1 MEETING

2 STATE OF CALIFORNIA

3 HORSE RACING BOARD

4

5 In the Matter of)
)
6 THE REGULAR MEETING)
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7 _____)

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11 DEL MAR SURFSIDE RACE PLACE

12 2260 JIMMY DURANTE BOULEVARD

13 DEL MAR, CALIFORNIA

14

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16 THURSDAY, JULY 14, 2016

17 9:32 A.M.

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23

24 REPORTED BY:

25 ANN BONNETTE, CSR NO. 6108

1 APPEARANCES

2 COMMISSIONERS

3 Chuck Winner, Chairman

4 Richard Rosenberg,Vice Chairman

5 Madeline Auerbach, Commissioner

6 Rick Baedeker, Executive Director

7 Steve Beneto, Commissioner

8 George Krikorian, Commissioner

9 Jesse H. Choper, Commissioner

10 Alex Solis, Commissioner

11

12 STAFF

13 Robert Browning Miller, General Counsel

14 Jacqueline Wagner, Regulations/Legislation Manager

15 Mike Marten, Associate Analyst

16 Phil Laird

17

18 ALSO PRESENT

19 Joanne Nor

20 Luis Jauregui

21 Kim Jacobson

22 Larry Swartzlander, Oak Tree Meet at Pleasanton

23 Kim Lloyd

24 Scott Daruty, Golden Gate Fields

25 Cal Rainey

1 APPEARANCES (CONT'D)

2

3 ALSO PRESENT

4 Joe Morris, Golden Gate Fields

5 Nick Coukos

6 Alan Balch, CTT

7 Don Lockwood

8 Greg Avioli, TOC

9 Dan Schiffer, PCQHRA

10 Tom Robbins, Del Mar Race Track

11 Drew Couto, Los Alamitos Quarter Horse Racing

12 Bob Fletcher, Winners Foundation

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2.	Executive Director's Report.	10
3.	Public Comment: Communications, reports, requests for future actions of the Board. Note: Persons addressing the Board under this item will be restricted to three (3) minutes for their presentations.	14
4.	Discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the Los Angeles County Fair (F), at Los Alamitos, commencing September 7, 2016 through September 27, 2016, inclusive.	
5.	Discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the California Authority of Racing Fairs (CARF) (F), at Pleasanton, (Race meeting to be called "Oak Tree at	34

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Pleasanton") commencing September 1, 2016 through October 4, 2016, inclusive.

6. Discussion and action by the Board on the Application for License to Conduct a Horse Racing Meeting of the Los Angeles Turf Club II (T), at Santa Anita, commencing September 28, 2016 through November 8, 2016, inclusive.

7. Discussion and action by the Board regarding an update from Barretts on the upcoming sales remaining for the balance of the calendar year and its request for authorization of these sales, pursuant to CHRB Rule 1807, Authorized Horse Sales. 42

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10.	Discussion and action by the Board regarding the submission of proposed emergency amendments to CHRB Rule 1581, Racing Secretary to Establish Conditions, and CHRB Rule 1843, Medication, Drugs and Other Substances, to the Office of Administrative Law, in response to the Los Angeles Superior Court's Order that the CHRB set aside approval of Los Alamitos Quarter Horse Racing Association's "house rule."	128
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Quarter Horse Racing Association to write race conditions for its current quarter horse race meeting, which ondition eligibility to participate in the race meeting on the nonpresence of Clenbuterol, Albuterol, Zilaterol, or Ractopamine in biological test samples obtained by the Association, conditioned on the Office of Administrative Law granting approval of the emergency regulatory amendments to CHRB Rules 1581 and 1843.

12. Closed session.

PROCEEDINGS

DEL MAR, CALIFORNIA, THURSDAY, JULY 14, 2016

9:32 A.M.

CHAIRMAN WINNER: Okay. This meeting of the California Horse Racing Board will come to order.

This is the regular noticed meeting of the California Horse Racing Board on Thursday, July 14, 2016, at the Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California.

Present at today's meeting are myself, Chairman Winner; Richard Rosenberg, Vice Chairman; Madeline Auerbach, Commissioner; Steve Beneto, Commissioner; George Krikorian, Commissioner; and Alex Solis, Commissioner. Commissioner Choper will not be joining us today.

Before we go on to the business of the meeting, I need to make a few comments. The Board invites public comment on the matters appearing on the meeting agenda. The Board also invites comments from those present today on matters that are not appearing on the agenda during a public comment period if the matter concerns horseracing in California.

In order to ensure all individuals have an opportunity to speak and the meeting proceeds in a timely

fashion, I will strongly enforce the three-minute time limit rule for each speaker. The three-minute time limit rule will be enforced during discussion of all matters as stated on the agenda as well as during the public comment period.

There is a public comment sign-in sheet for each agenda matter on which the Board invites comments. Also, there is a sign-in sheet for those wishing to speak during the public comment period for matters not on the Board's agenda if it concerns horseracing in California.

Please print your name legibly on the public comment sign-in sheet. When a matter is open for public comment, your name will be called. Please come to the podium and introduce yourself by stating your name and organization clearly. This is necessary for the court reporter to have a clear record of all who speak.

When your three minutes are up, I will ask you to return to your seat so others can be heard. When all the names have been called, I will ask is there anyone else who would like to speak on the matters before the Board.

Also, the Board may ask questions of individuals who speak on any matter. If a speaker repeats himself or herself, I will ask if the speaker has any comments -- any further comments to make. If there are none, the speaker

1 will be asked to let others make comments to the Board.
2 Now, the first item on the agenda is the
3 minutes from the June 16th meeting.
4 Are there any additions or corrections to the
5 minutes from the June 16th meeting? Is a motion to
6 approve?
7 COMMISSIONER ROSENBERG: Yes.
8 CHAIRMAN WINNER: Commissioner Rosenberg moves
9 to approve; Commissioner Beneto seconds.
10 How do you vote, Commissioner Krikorian?
11 COMMISSIONER KRIKORIAN: Yes.
12 CHAIRMAN WINNER: Commissioner Solis?
13 COMMISSIONER SOLIS: Yes.
14 CHAIRMAN WINNER: Commissioner Auerbach?
15 COMMISSIONER AUERBACH: Yes.
16 CHAIRMAN WINNER: Chairman votes yes.
17 Commissioner Rosenberg?
18 COMMISSIONER ROSENBERG: Yes.
19 Commissioner Beneto?
20 COMMISSIONER BENETO: Yes.
21 CHAIRMAN WINNER: Okay. The minutes are
22 approved by a six to nothing vote.
23 Now we go to the Executive Director's report.
24 Mr. Baedeker.
25 EXECUTIVE DIRECTOR BAEDEKER: Thank you,

1 Mr. Chairman.
2 We will be sending out a notice, as we always
3 do, but just FYI, there will be two committee meetings
4 prior to our full board meeting in August. It will be the
5 day before, one in the morning, one in the afternoon, the
6 legislative committee and the medication committee in the
7 afternoon. So more to come on that, but please plan on
8 it.
9 There will be a Race Dates Committee meeting as
10 well within two or three weeks, and we will also be
11 sending out a notice on that.
12 Just a couple of brief notes. One is that staff
13 has been working on a concussion protocol for the state of
14 California, and our goal is to the bring rough draft
15 language to the Medication Committee prior to the next
16 full board meeting in August. And what we're trying to
17 determine is the best protocol, and then our goal is to
18 achieve uniformity and consistency throughout the state to
19 protect the riders that may be injured as a result of the
20 fall, may refuse treatment, and as a matter of fact, may
21 in fact have suffered a concussion and not know it. And
22 so we will be working on this over the next several
23 months.
24 The Welfare & Safety Summit of the Horse was --
25 the Welfare & Safety of the Horse Summit was conducted in

1 Lexington a couple of weeks ago. I was able to attend it,
2 and just as was the case last year, which was the first
3 time I had attended, in my opinion, it's the single best
4 day of its kind in our industry. And the only frustration
5 is that so much valuable information, which is a result
6 of -- mostly of science and study, is presented for the
7 industry, not only for the benefit of the horse, but the
8 benefit of the rider and other participants in the sport.
9 The only frustration is that it's a one-day deal in
10 Lexington; so I would certainly encourage any and
11 everybody that could attend to do so next year.
12 We have also encouraged the different entities
13 that put it on to consider a road show to bring this
14 important day to the West Coast and anywhere else they
15 want to take it. For instance, one of the things that was
16 surprisingly informative and one which I, of course, you
17 know, being in my bureaucratic role, I wouldn't have
18 anything -- necessarily any base of knowledge for the
19 day-to-day care of the racehorse, but one of the topics
20 was when it comes to health and performance, don't --
21 don't discount the influence of dust.
22 And Bill Kern from WinStar Farm made a
23 presentation about dealing with mostly respiratory
24 problems that he was experiencing primarily in his -- in
25 his operation in Texas, and it was an annual occurrence.

1 After most of the horses were shipped in, there would be
2 an influenza that would go through the -- through the
3 entire stable area, and three years ago they implemented a
4 dust control protocol. That entails a lot of technology,
5 and they haven't had a single case of respiratory illness
6 since that protocol was introduced. It's a very simple
7 thing. Much of it can be applied to any of our stable
8 areas, and I couldn't help but think that would be a great
9 thing for all of our California participants to learn
10 about. That's just a simple example of what this day is
11 like. It's all practical information based on study, and
12 so it is reliable and can be used almost immediately.
13 So that's the Welfare & Safety of the Horse
14 Summit. Hopefully, next year they will bring it out here.
15 Before I get to the financials, I want to
16 mention that I have asked Luis Jauregui and Kim Jacobson
17 to come up during public session and talk about the
18 multi-agency emergency drill that was performed here at
19 Del Mar a few days ago; so you will be hearing more about
20 that in just a few minutes.
21 The financials for the month -- for the month of
22 June, we're still in a bit of a slump. We had daytime
23 business was off 8.7, nighttime business down 10.3
24 percent, total business down 8.8 percent, and that's with
25 the same number of race days this year versus last.

Again, we're hoping that the month of July gives us a lift.

The recently concluded Pleasanton meeting also struggled. Even though the average starters per event actually slightly increased from 6.63 to 6.79, nonetheless overall handle was down 6.2 percent for the meet; so a little bit of an economic slump year to date, but hopefully we can turn that around here in July.

And that's my report, Mr. Chairman.

CHAIRMAN WINNER: Thank you very much, Mr. Baedeker.

Let me note before we proceed that items No. 4 and 6 have been removed from the agenda because the documents and agreements that are required in a certain period of time in advance of the meeting were not received, and the parties have requested that those items be removed from the agenda, which are the license to conduct a racing meeting at L.A. Turf Club at Santa Anita, and the license to conduct a Horse Racing Meeting at the Los Angeles County Fair at Los Alamitos; so we will be hearing those applications at the -- in the August meeting.

So let's go on then to the public comment period. I have a number of cards.

Joanne Nor.

MS. NOR: Also, is this on?

EXECUTIVE DIRECTOR BAEDEKER: It's on.

MS. NOR: Also, further to Mr. Baedeker's report, the seventh annual Welfare & Safety Summit was held at Keeneland, and the headlines on the news reporting was titled "Big Data Driving Tangible Results."

And I guess there's 2.5 million races reported. These figures included bone breakdown fatalities only, and fatalities from organ failures, such as heart attack, were not included.

And Dr. Tim Parkin, who is the force behind this database, stated that, and I quote, "We could do this with individual tracks or groups of tracks and we can get agreement from individual trainers and veterinarians to include medical records and see whether or not the reports help improve predictability to these fatal incidents and of the models produced.

The herbicide glyphosate trade name is Roundup. It has officially been banned or warning labeled in 64 different countries, including Mexico, Canada, most of Western Europe. The manufacturer is not just any agricultural corporation but the same manufacturer responsible for bringing us the atomic bomb and Agent Orange. Presently on trial in the Hague in Germany for crimes against humanity, this manufacturer, FYI.

1 Glyphosate is poisoning our food chain and is a
2 known carcinogen causing cancer and is connected to over
3 40 diseases. I have provided your CHRB board with studies
4 and documents that outline and verify the connection
5 between glyphosate and cardiac arrhythmia by Mr. Seralini,
6 or Dr. Seralini.
7 I have for your board MIT study excerpts. The
8 entire study may be viewed online plus the recent Seralini
9 study providing in its entirety and others. There is a
10 Russian study, a French study. There's quite a few
11 studies that have already been done internationally.
12 I am proposing that we unit with and for the
13 welfare and safety of racing and make sure we include the
14 fatality rates of heart failure and attacks on the
15 racetrack and set a precedent with testing the occurrence
16 of glyphosate levels within the national database. I am
17 proposing it's a feed contamination which is up 75 to 100
18 percent of daily horse ration intake with a combination of
19 any environmental or pharmaceutical toxin has the ability
20 to cause the aorta and the right ventricle of the heart to
21 malfunction.
22 CHAIRMAN WINNER: Joanne, excuse me. Your time
23 is -- how long -- how much longer do you think you are
24 going to take?
25 MS. NOR: About a minute or two.

The aorta and the ventricle of the heart to malfunction. In all fairness, an animal who has no voice who is forced to exercise at maximum capacity while being fed poisonous materials is not our industry's original intention of horseracing as a sport. I am sure you share in those sentiments.

I do not think we intended to compromise the health, well-being, safety, performance, and also reproduction of our thoroughbreds. But this chemical glyphosate is threatening our horses' health, safety, and ability to perform and the future of the thoroughbred breed and all breeds who are consuming it.

It is our right to know what is in our horses and our feed and should be shared by owners, breeders, trainers, and veterinarians for the betterment of the horse and the horse industry. And I hope you all will get around to reading what I have given you, because there's very -- very much facts and testing that's already been done that's totally proven to 65 other countries to the point that they banned it and --

CHAIRMAN WINNER: Thank you.

MS. NOR: Thank you.

CHAIRMAN WINNER: Bob Fletcher.

MR. FLETCHER: Mr. Chairman --

DR. ARTHUR: Dr. Arthur --

1 CHAIRMAN WINNER: Yes.
2 DR. ARTHUR: -- Equine Medical Director.
3 I would like to make one correction. The equine
4 industry database does include all racing fatalities of
5 whatever --
6 CHAIRMAN WINNER: Yes. There were a lot of
7 things I would like to correct in what Ms. Nor said, but
8 obviously we have different views on that but that is a
9 factual correction and I appreciate it.
10 Mr. Fletcher.
11 MR. FLETCHER: Good morning. Bob Fletcher,
12 Winners Foundation.
13 Last year at this time I reported to you and the
14 industry the diminishing financial position of the Winners
15 Foundation, and I would like to let you know that that
16 status has not changed.
17 In February of this year, we were compelled to
18 reduce our statewide staff of full-time employees
19 numbering five to three. And so one of our employees up
20 North, our case manager in the Northern area, has now been
21 reduced to 12 hours a week and we have a part-time
22 administrative assistant at our main office at Santa
23 Anita. We don't foresee any funding changes through the
24 course of the year, and we are now prepared to reduce our
25 part time -- our full-time case manager at Santa Anita

1 racetrack for the Southern area to a part-time status
2 beginning January 1, 2017.
3 I ask that the CHRB track management horsemen
4 and other industry entities please be patient with us
5 because our response time will be diminished.
6 Thank you.
7 CHAIRMAN WINNER: Questions for Mr. Fletcher?
8 Comments?
9 Commissioner Krikorian.
10 COMMISSIONER KRIKORIAN: Going back to Joanne
11 Nor for a moment, I think she had another comment she
12 wanted to make, and I would like to hear it.
13 MS. NOR: I would told by --
14 CHAIRMAN WINNER: Come up to the microphone,
15 Joanne.
16 MS. NOR: I had just spoken yesterday or the day
17 before with Ed Bowen, who heads up the database, and the
18 heart attacks are not included, sir. Per -- he's at the
19 Jockey Club. He runs the database, okay?
20 CHAIRMAN WINNER: Rick, that comment is to you.
21 Do you want to respond to it?
22 DR. ARTHUR: You know, I don't want to waste a
23 lot of the Board's time because, you know, most comments
24 were -- anyway, that's factually incorrect. I actually am
25 on the committee that reviews the data; Ed Bowen is not.

He may be an advisory there, but he is mistaken. It includes all fatalities of any kind while racing.

CHAIRMAN WINNER: You don't want to get into a debate.

MS. NOR: And who -- where do -- where do the fatality information go, depending on which track, and they are sent where?

CHAIRMAN WINNER: Go ahead. You want to just answer this one question and then we'll move on.

DR. ARTHUR: Yeah. You can look at the Jockey Club website under Equine Entry database, and it will give you the information you are looking for.

MS. NOR: I have.

CHAIRMAN WINNER: Thank you.

Commissioner Krikorian, anything more?

COMMISSIONER KRIKORIAN: No. That's it.

CHAIRMAN WINNER: Thank you.

Yes, please.

EXECUTIVE DIRECTOR BAEDEKER: I just would like to add to what Bob Fletcher said. I presume all of the commissioners know how much our stewards rely on the good work of the Winners Foundation to help our licensees that have a drug, alcohol, or gambling problems. I know of no other organization in the game that, at least in California, that is so taken for granted as the Winners

Foundation, because it has been doing this work -- I don't know -- for at least 20 years, and it's good work and vital work. And I would hope that people in the room that have the ability to fund it properly would recognize the importance of it.

CHAIRMAN WINNER: I couldn't agree more. Thank you.

Kim Jacobson.

Luis, you are going to speak together?

MR. JAUREGUI: Yes.

CHAIRMAN WINNER: And Luis Jauregui.

Since you are both going to speak, why don't you come up to the table where you can both have mikes.

MR. JAUREGUI: Good morning, Board.

I want to discuss about the multiple rider --

EXECUTIVE DIRECTOR BAEDEKER: You're going to have to identify yourselves.

MR. JAUREGUI: Okay. Safety Steward Luis Jauregui, CHRB.

A few years ago we did a training. We met with the local fire departments at Santa Anita racetrack, and we had a multi-rider drill. We wanted to make sure that we go over through the process once and understand what to do in case these horrific injury -- accidents occur.

So when I came to Kim a couple years ago, we

decided to actually step up another level and do the drill on the track and go through the process. So this year we have been discussing it throughout the year, and she planned --

CHAIRMAN WINNER: One moment, Luis. We're having -- I think everybody is having a tough time hearing you.

MR. JAUREGUI: I'm sorry.

CHAIRMAN WINNER: Yeah. Can you increase the sound of the mikes? Thank you.

MR. JAUREGUI: Okay. So a few years ago I went to Kim Jacobson, and we decided to pursue a multi-rider injury here at Del Mar racetrack. Last year, we performed it with the ambulance services here on the track. We did the drill. We didn't have riders down, but we just wanted to go through the process.

This year we decided to step up even more. Kim asked the local agencies to participate in it, and it was a huge turnout. We probably had 40, 50 people here around, working it. What we did is -- what we decided to do is start the process like it was a race. The stewards would call, there was a spill and how many riders down. The ambulance service that are following the field stopped. They went through the process as we went, you know, calling for their backup ambulance to come from the

first aide, and then we also called Dispatch and then they contacted the outside agencies to go through the whole process.

We even went through -- stepped up an extra level. Kim went through the extra the extra level to contact Medevac to go through the process if we needed to airlift a rider.

It's pretty amazing that when the call came through from the agencies here that it took six minutes from the call to land on our racetrack to get service for the rider. And the foreman --

EXECUTIVE DIRECTOR BAEDEKER: That's the Medevac helicopter. Six minutes from call to land on the racetrack.

MR. JAUREGUI: To landing. It took four minutes from our racetrack to land on La Jolla's grips. So it is pretty amazing how the service and how fast the response were.

Kim can talk about more how exactly how she got the process started.

MS. JACOBSON: Fortunately, we at Del Mar have a really good --

CHAIRMAN WINNER: Identify --

MS. JACOBSON: I'm sorry. Kim Jacobson, Director of Risk Management for the Del Mar Thoroughbred

Club.

CHAIRMAN WINNER: Thank you.

MS. JACOBSON: We have a really super good working relationship with our outside agencies here close to the track. We have worked through the years of developing protocols for them to respond, working with our on-site medics. And so I went to them this year and I asked if there was any possibility that we could enhance our multi-rider drill because we wanted to take a look at it, make sure we weren't missing anything and that all agencies knew when and where we needed them to respond because it's a little bit different than it is during the normal race coming the first day.

So we set up a scenario of five riders down, a six furlong race. As Luis said, we started the ambulance at the beginning and came through. We were fortunate enough to get Solano Beach, which is our second responder from outside, which is just up the hill, Del Mar, which is the fire station here on-site. We had two battalion chiefs who responded, and we had multiple outside agencies from AMR, which is our -- the ambulance company that has the contract for this area, which is considered CSA, and they work through the fire stations.

Mercy Air, who is one of the major Medevac helicopter companies here in San Diego, they volunteered

1 their time and came. They actually landed a helicopter
2 on the track with four personnel. We were -- it was
3 fortunate because we were able to bring in even some of
4 our staff that would be responsible for escorting the
5 outside agencies to Gate 11 so that they knew what their
6 role was and what they were supposed to do as well.
7 At the conclusion of it, we all did kind of a
8 debrief. We talked about what worked, what maybe didn't
9 work, what maybe we could do a little bit better. The
10 outside agencies were, again, way more than supportive.
11 They were thrilled with the opportunity to participate in
12 this drill. And the helicopter was thrilled to actually
13 have the opportunity to come in, come over the
14 grandstands, land on the track, realized what the
15 conditions were on the track. They said it's one of the
16 best landing areas they can do.
17 So it was an absolute wonderful experience and
18 it went great, and we learned a lot and hopefully we can
19 do it again in the future, and they were more than willing
20 to come back and do it again and said anytime we need them
21 they will come in.
22 And I think, from our perspective, getting
23 people who need assistance to the hospitals and making it
24 all work will just make it better if we do, unfortunately,
25 have an accident.

Of course, the horses are going to add a whole other element to it, but it is something that we discussed and we actually talked to the Medevac pilots. Their number one thing is in a real situation, we have horses on the track. They will not land until the horses are cleared from the track; so it's something we talked about as far as getting that done very quickly. They don't want to endanger anybody anymore with loose horses, but they will hover overhead. They will still respond and they will wait to just put it down until we are ready for them.

So in addition to the medical personnel, we also involved our horse ambulance driver and Camacho, our head outrider, who rides in the afternoon for the races to observe the drill so they could kind of see what we would do from a medical standpoint should this incident occur, which hopefully would help them if a real situation was ever to occur.

CHAIRMAN WINNER: Thank you very much.

COMMISSIONER AUERBACH: I have a comment.

CHAIRMAN WINNER: Please.

COMMISSIONER AUERBACH: It occurs to me that it might be time in our history -- hello. Want me to yell?

It occurs to me that it might be time in our development and history that we might want to think about including this in -- especially for the big venues like

1 Del Mar and Santa Anita that would require maybe an annual
2 drill of this nature so we know what we're doing.
3 I mean, unless you both think that's a little
4 too aggressive, I'm thinking that personnel changes,
5 protocols change, equipment changes, and I am wondering if
6 we made it part of the requirements for licensing that
7 we -- that we conduct an annual event of this, and I want
8 to stick to the major venues.
9 Do you -- do you see that as impractical? I'm
10 asking both of you.
11 MR. JAUREGUI: No, I think it's important. I
12 think even if you met with the local fire department and
13 our ambulance service and the security staff at every
14 racetrack just to go through the process and understand
15 the process is important.
16 MS. JACOBSON: I think from my perspective it's
17 very important. We go through our protocols all the time.
18 Even if there's an accident on the track or a situation in
19 the backside or even in the stands, once the event's over,
20 my staff and the responders, the medical responders,
21 whether it be those on-site and/or those off-site, we take
22 a look at the situation, go back, review it, what
23 happened, what didn't, but I agree with the changes,
24 Staff, because there's always different drivers in the
25 ambulance rigs, there's always different captains coming

in to the fire stations. And I think part of what makes any emergency protocol work is that the people who are expected to respond know when, where, and how they are supposed to respond, and sometimes if you just put it on paper, they don't read it or --

COMMISSIONER AUERBACH: They do it, and it doesn't resonate.

MS. JACOBSON: Yeah. You can -- you can put it on paper, but is what you put on paper really going to work? And that's what we looked at the other day, and we realized it did. And yeah, there were some things that I want to change and some things that maybe could speed up a little bit as far as medics calling in for outside transport and that type of stuff, but that's something that is easy to do and easy to fix. But had we not gone through the drill, we wouldn't have done that. We wouldn't have realized that.

CHAIRMAN WINNER: I think the recommendation of Commissioner Auerbach is very a good one, and I understand from Mr. Baedeker we can do it as a policy or as a rule, actually? Create a rule.

EXECUTIVE DIRECTOR BAEDEKER: We can do both. We can start just by establishing a policy as described with the associations. And by the way, I think just about every one of them does something similar, not nearly to

1 this extent. And, of course, if this is done again,
2 either here or elsewhere, it would be good to invite the
3 other industry folks in to witness it and participate in
4 it.
5 But I can tell you it's -- it's a real threat.
6 We experienced it just in the last two years with the
7 major accident at Cal Expo with four drivers down on the
8 racetrack. The fire equipment couldn't get onto the
9 racetrack. The gaps were blocked, and the communication
10 was terrible.
11 Now, since then they have done -- not a drill to
12 this extent but they have communicated well with the
13 outside agency and hopefully that won't happen again, but
14 it's vitally important, and congratulations for that work.
15 CHAIRMAN WINNER: I agree. Congratulations.
16 Thank you. And we will -- yes, Commissioner Krikorian.
17 COMMISSIONER KRIKORIAN: For clarity, are you
18 suggesting that they have a drill; correct?
19 EXECUTIVE DIRECTOR BAEDEKER: Right.
20 COMMISSIONER KRIKORIAN: Actual drill so that
21 each facility --
22 CHAIRMAN WINNER: I think that's what
23 Commissioner Auerbach --
24 COMMISSIONER KRIKORIAN: No. I agree --
25 COMMISSIONER AUERBACH: Suggesting because

there's no -- you can't replicate something if you have never done it.

CHAIRMAN WINNER: That's what drills are for.

COMMISSIONER KRIKORIAN: Sure.

COMMISSIONER AUERBACH: Yeah. I can remember dropping --

EXECUTIVE DIRECTOR BAEDEKER: If you all want to. I mean, this could be part of a race meet application where they describe --

CHAIRMAN WINNER: Yeah.

EXECUTIVE DIRECTOR BAEDEKER: -- what the process will be.

COMMISSIONER AUERBACH: I would like -- I would to see us made that change:

MR. JAUREGUI: Just for the record also, jockey Kent Desormeaux showed up and participated in the drill as well; so to get his input and some of the riders' input is important.

COMMISSIONER AUERBACH: And I thank Del Mar for doing that.

CHAIRMAN WINNER: Yes.

MR. JAUREGUI: Yes.

CHAIRMAN WINNER: Thank you very much.

COMMISSIONER BENETO: I got a question.

CHAIRMAN WINNER: Yes, I'm sorry.

Please, Commissioner Beneto.

COMMISSIONER BENETO: You have exit signs marked on the rail -- outside rail in your -- so when -- when the outside agencies come in, they know where the break is?

MR. JAUREGUI: No. We had security there.

MS. JACOBSON: We provide all of the outside agencies with maps, directions, apparatus arrival, and then we have a protocol in place that anytime we call for outside agencies or a 9-1-1 call comes in to this facility, which comes to my cell phone, unfortunately, at all hours of the day, but either our backside security or our front-side security escorts the outside agencies from the gate that they are instructed to come into to the incident so that they actually have an escort through the area and there's not any confusion.

COMMISSIONER BENETO: Would it be wise to make that rail they have to go through, paint it red or something?

MS. JACOBSON: We actually bring them in through some of our gates, not on the rail. So in this particular incident, Gate 11, which is a wide enough gate to get any of the rigs through, we actually bring them through that gate, and all of the gates are marked; so they are all numbered here on the facility.

We maintain the same numbers that the fair

maintains through the years so they know which gates they are able to get through with their ambulances and their rigs to actually get on the racetrack.

CHAIRMAN WINNER: Any other questions?

Thank you very much.

MS. JACOBSON: Thank you.

CHAIRMAN WINNER: Mr. Chillingworth.

Good morning, Chilli.

MR. CHILLINGWORTH: Good morning. Sherwood Chillingworth with Oak Tree Racing Association.

Hope you will pardon my voice the last couple days. I got out of bed yesterday to come down here and my doctor isn't too happy, by the way, but --

CHAIRMAN WINNER: But we were all happy to see you.

MR. CHILLINGWORTH: Thank you. I will stay longer.

In response to the Winners Foundation, we gave them $50,000 this year and pledged another $50,000 for four years. It's very difficult these days in this industry to get amounts of that size -- I mean, amounts that has an endpoint. And one thing is we can't continue doing this unless we have places where we can run our meets and make some money to do this.

And as you know -- I know you heard us about

35,000 times, but since our beginning 40 years ago, we have given away $38 million, and I don't think anybody around here is going to contest that one.

My point is that we are trying to help significant large organizations, particularly, but the whole industry -- the whole industry is doing great work and support them, but unless we have support for ourselves, it's not going to be possible to continue this forever.

And this brings up our issue yesterday, which you may not want to deal with now, but, for example, the dates we have been talking about that were given up by San Joaquin County Fair, Commissioner Beneto suggested that we wait until we have had a chance to have our -- our meet there and compare it with what anybody else might do.

I mean, I know you and I disagree on this, Chairman, that you have to have a three-year calendar out in two weeks -- or in a month or six weeks. And, of course, that would not give us a chance to demonstrate our ability to conduct that meet.

Anyway, my point is this came up at a very propitious time as we had -- very supportive of a lot of major entities, and we can't continue doing that unless we have some means of making that money ourselves.

Thank you.

CHAIRMAN WINNER: Change you, Chilli, and thank you for all your support to the Winners Circle. Obviously, we can't discuss dates here. It's not up for -- ongoing dates 2017 on here at this meeting is not agendaed.

I will say that my recollection is that when we discussed this issue yesterday, we agreed that it would be a good idea for the stakeholders to get together and come up with a plan that possibly included the ability to see how the meet went, the Stockton meet at Pleasanton before making a decision, if you could all come back with a plan to be able to do that.

So we all -- I think we all -- all of us that were at the meeting understood your concerns and your request, and we think that should be taken into consideration and we're looking forward to hearing how you guys resolve this issue when we have our next dates meeting.

MR. CHILLINGWORTH: All we want is a basic objective review. Thank you for it.

CHAIRMAN WINNER: Thank you.

All right. Anything else? Any other comments from the public? I think we have had them all.

Let's move on then to item No. 5.

Discussion and action by the Board on the

1 Application for License to Conduct a Horse Racing Meeting
2 of the California Authority of Racing Fairs (CARF), at
3 Pleasanton, race meeting to be called "Oak Tree at
4 Pleasanton" -- something we have just been discussing --
5 commencing September 21, 2016, through October 4, 2016,
6 inclusive.
7 Larry.
8 MR. SWARTZLANDER: Good morning, Chairman and
9 Commissioners. Larry Swartzlander, the Director of Racing
10 at Oak Tree meet at Pleasanton for the fall meet.
11 First, I would like to go over on the horse
12 side, we do expect to have a good population. In the
13 past, Stockton being located in a valley, some of the
14 trainers were hesitate to leave Golden Gate and come over;
15 so I think we will be doing fine in that capacity.
16 We have been giving away approximately $600,000
17 in overnight purses. That is, the purse -- overnight
18 purse schedule is the same schedule that we have in the
19 summer meet. We have a stakes race for two-year-olds,
20 $50,000 added overnight two-year-olds going one mile.
21 We have the same incentive program that we have
22 had: Five starts, $500, ten starts, $1000, ship in 350
23 for the first start, 150 for the second.
24 We have also added this year cash machines, tote
25 machines where you can use voucher or cash. We have one

1 runabout, and we're still working -- hopefully, we'll have
2 the app in place for the fall meet.
3 Switching to the media side, all -- all days
4 will be free, free admission. We still have the VIP
5 program in place. And just let me go quickly through the
6 days that we're going to provide -- I won't call it fair
7 atmosphere but something that gets the people involved
8 other than just horseracing.
9 The first Friday, September 23rd, is calls Flex
10 Friday. All-day happy hour, $2.00 beers, and it's called
11 the single days. There are several organizations within
12 Pleasanton that are singles oriented and they're doing an
13 extensive outreach to these to, you know, come into the
14 track that day.
15 The second first Saturday is September 24th. We
16 have the Wine Stroll on the first floor. It's a wine
17 competition dinner at the Trackside Terrace.
18 On Sunday will be Family Fun Day, Latino Day.
19 First floor will be dedicated for kids zone.
20 The second weekend on Friday, we will have Flex
21 Friday all day. Happy Hour again, $2.00 beers.
22 Also, we're partnered up with the track -- or
23 the taxi organization that provides transportation. Just
24 call them up, and they are going to be taking care of a
25 lot of the fans that might not make it home.

And Saturday will be the Craft Oktoberfest with a barbecue. We will have a Craft Brew Event at the Trackside Terrace, and what we will be doing then is we will be selling samples to all the patrons so that they can -- they will get a token that they can provide to us to see which one is the best barbecue or the best brew for that particular day.

COMMISSIONER AUERBACH: Did you bring us some samples of the barbecue?

MR. SWARTZLANDER: No, I didn't.

Yes?

COMMISSIONER BENETO: You said "free admission." How about -- does that include parking too?

MR. SWARTZLANDER: Parking will be $10.00.

And the last day is Sunday. That will be Family Fun Day. Hippity Hop contest. We're bringing in a video game truck which it is kind of unique. If you have never seen it, it has large video screens, and then there are 16 positions where kids can all sit down and compete against each other and then watch it on the video screen.

That's all I have.

Any questions, please?

CHAIRMAN WINNER: Thank you.

Commissioner Rosenberg has a question.

Thank you, Larry.

COMMISSIONER ROSENBERG: You described the Pick 6 bet on page five-one -- five-two.

MR. SWARTZLANDER: Yes.

COMMISSIONER ROSENBERG: -- as the type of, you know, Golden -- what do they call it?

MR. SWARTZLANDER: Golden --

COMMISSIONER ROSENBERG: The jackpot. The jackpot type.

Because you are part of the CARF -- CARF is operating this meeting, is that going to be paid out only at the end of the -- all the CARF fairs?

MR. SWARTZLANDER: Yes. Under the consolidated concept, it could go to the end of the Fresno Fair.

COMMISSIONER ROSENBERG: End of the Fresno Fair.

Because I read an article that was circulated -- one of the newspapers complaining about the fact that it is unfair to the bettors because there are small fields and also that wasn't advertised. In fact, it's not even mentioned here, which is interesting, on your application.

How are you going to advertise that to the public so they know that there's not a payout when the meeting closes?

MR. SWARTZLANDER: One of the issues that developed after the Alameda County Fair was that Equibase was set up -- their software was set up that everyone in

1 the association puts -- goes into the system. The
2 software -- you have to pay out the wagers at the end of
3 the association meet.
4 When the fairs went in as a consolidated fair
5 meet, that they looked at the Alameda County Fair as an
6 association, they looked at Cal Expo as an association; so
7 the software did not pick it up.
8 Now, that has been changed. And what happens
9 when Equibase doesn't pick it up, Cal Racing doesn't pick
10 it up, ADW sites don't pick it up, and that's where the
11 major glitch was, and that's all been corrected.
12 COMMISSIONER ROSENBERG: I wasn't referring to
13 that. I was referring to the mere fact that the bettor
14 who is betting is used to a pattern of Pick 6 payouts
15 being paid out when a meeting ends. That's no carryover.
16 And the complaint I read about was that -- one
17 of the complaints was that it's unfair because the bettor
18 is betting, and then he realizes after he has bet that --
19 when he finds out after, he thinks he has won or not won
20 or just didn't have an opportunity to win until it's over.
21 MR. SWARTZLANDER: Well --
22 COMMISSIONER ROSENBERG: Do you advertise it in
23 any way is my point. Do you advertise the terms and
24 conditions of the Pick 6 bet?
25 MR. SWARTZLANDER: Yes, we advertise it, but

1 what you're getting, I think, is that there was a mindset
2 at the end of the fair meets that these would pay out.
3 COMMISSIONER ROSENBERG: Yes.
4 MR. SWARTZLANDER: And I agree with you. We did
5 not do a good enough job of, you know, pounding the public
6 to say that you got to understand this is different this
7 year. And we will -- we are doing that.
8 We have run it on our video monitor. We run
9 it -- the announcement talks about it every day. We will
10 have it up on Cal Racing, and we're going to put an
11 article out in the Daily Racing Form to make sure that the
12 Cal Expo meet does not end that way.
13 COMMISSIONER ROSENBERG: Okay. Thank you.
14 COMMISSIONER AUERBACH: You know, it --
15 CHAIRMAN WINNER: I think that was the question,
16 and I think --
17 COMMISSIONER ROSENBERG: Yeah. That's a good
18 answer.
19 CHAIRMAN WINNER: -- that's a good answer.
20 Thank you, Larry.
21 COMMISSIONER AUERBACH: If I am not mistaken,
22 Larry, wasn't it the same last year? Didn't we start this
23 last year?
24 MR. SWARTZLANDER: No. We were consolidated in
25 purses but not in the payout.

COMMISSIONER AUERBACH: You didn't have -- you didn't have the jackpot going that way?

MR. SWARTZLANDER: We did not have all the fair members signing up for that.

COMMISSIONER AUERBACH: Okay. Thank you.

CHAIRMAN WINNER: Any other questions?

Is there a motion?

COMMISSIONER BENETO: I will make a motion.

Commissioner Beneto moves. Commissioner Auerbach seconds. We'll start this way.

Commissioner Beneto, how do you vote?

COMMISSIONER BENETO: Yes.

CHAIRMAN WINNER: Commissioner Rosenberg?

COMMISSIONER ROSENBERG: Yes.

CHAIRMAN WINNER: Chairman votes yes.

Commissioner Auerbach?

COMMISSIONER AUERBACH: Yes.

CHAIRMAN WINNER: Commissioner Solis?

COMMISSIONER SOLIS: Yes.

CHAIRMAN WINNER: Commissioner Krikorian?

COMMISSIONER KRIKORIAN: Yes.

CHAIRMAN WINNER: Carries six to nothing.

Have a great meet.

Thank you very much, Larry.

CHAIRMAN WINNER: Moving along.

Discussion and action by the Board regarding an update from Barretts on the upcoming sales remaining for the balance of the calendar year and its request for authorization of these sales, pursuant to CHRB Rule 1807, Authorized Horse Sales.

EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman and Commissioners, I asked Kim Lloyd to be here today to go through this process with us, because the rule that you referenced calls for the sales company to apply to the Board to put on the sales and that I think, just as a matter of practice over the last few years, that hasn't been the case.

And if we were to have a situation where we wanted to act on something that happened within our enclosure at one of the sales in reference to this rule, it would reference the fact that the sales had been approved. So we are starting a process here where the sales company will come before this Board and lay out the calendar and so that you can get the details and approve the upcoming sales.

CHAIRMAN WINNER: Thank you very much.

Kim.

MR. LLOYD: I'm Kim Lloyd, General Manager of Barretts. I am here to present the remaining sales schedule for 2015.

COMMISSIONER AUERBACH: '16.

MR. LLOYD: I'm sorry. It is '16.

First and foremost is our paddock sale coming up next week. We present it on Saturday after the races, about a half hour after the races. This year we have a preview after training on Friday for unraced two-year-olds that are participating in the sale to show their race readiness to the buying public.

Our next sale would be August yearling sale, August the 30th on Tuesday. This is for select yearlings. There are 72 stalls available and spots available. We will have 81 cataloged for that sale. We're excited about this. Our second sale here, we think, will go very well.

And last is our October yearling and horses of all ages sale. This will have yearlings and horses of racing age, and there will be some selected brood mares in the sale also.

That's the calendar for 2016. Any questions?

CHAIRMAN WINNER: Any questions by any member of the Board?

COMMISSIONER AUERBACH: How many horses do we have in the paddock sale?

MS. JACOBSON: So far, 18. We went there 30 to 13 and now we're up to 18.

COMMISSIONER AUERBACH: Do we have anything

coming in from outside that can generate some interest, like -- liked you do -- like you have had in the past?

MS. JACOBSON: We have a couple -- we have a stake filly in there that will generate some interest, and then we have a new horse that we're discussing right now that has -- that will create a lot of interest. So we keep working on it until the last minute.

COMMISSIONER SOLIS: That July sale, the 23rd, are all those two-year-olds are going to be stabled here?

MR. LLOYD: Yes, sir.

CHAIRMAN WINNER: Any other questions? Comments? Is there a motion? A motion to approve.

Commissioner Beneto moves.

MR. LLOYD: I do have one question --

CHAIRMAN WINNER: Oh, I'm sorry, Kim. I'm sorry. Go ahead.

MR. LLOYD: For next year's schedule, what would the Board -- what is our protocol for our approval, and how does that work? Do we do it quarterly or yearly? How does that work?

EXECUTIVE DIRECTOR BAEDEKER: I would propose, if the Board agrees, that you do it on an annual basis so that you don't have to keep coming back here --

MR. LLOYD: Okay.

EXECUTIVE DIRECTOR BAEDEKER: -- to go through

the drill.

MR. LLOYD: So in December we would go -- would that would be --

EXECUTIVE DIRECTOR BAEDEKER: Yeah. And if there is a change, you can come back and -- and bring that to the attention of the Board.

MR. LLOYD: Very good. Okay. Thank you.

CHAIRMAN WINNER: Commissioner Beneto moves, Commissioner Solis seconds.

Do you second, Commissioner Solis?

COMMISSIONER SOLIS: I'm sorry. I have --

COMMISSIONER AUERBACH: He has a question.

CHAIRMAN WINNER: Okay. We have another question. Please.

COMMISSIONER SOLIS: My concern is -- well, my question is going to be are all these babies that just came from the farm, or they been here for a --

MR. LLOYD: Oh, no, no, no. They have been training and are very well prepared and --

COMMISSIONER SOLIS: Have they -- have they been in the grounds or at Del Mar? For how long?

MR. LLOYD: Well, the track just opened, Alex; so they got here whenever they shipped in. For instance, Sean McCarthy has -- or Kim McCarthy has three that shipped in that will be here with Sean until the sale.

COMMISSIONER SOLIS: My concern -- my concern with that is a lot of these babies, when they come from the farms, you know, that a lot of them they come sick and so on. And my concern is getting the rest of the horses here the same way, and I just wanted to make sure that there's somehow we can make sure that they are in good health and so on because --

COMMISSIONER AUERBACH: I think, Kim -- I think what Commissioner Solis is referring to is we want to know is have these horses been at a racing venue for "X" period of time.

None of them are coming off the farm, are they? That's his concern.

MR. LLOYD: No. They have been at the racetrack or at a training facility, would you say, an authorized training facility --

COMMISSIONER AUERBACH: I think that's --

MR. LLOYD: Whether they come out of OBS and O Cal O (phonetic), from San Luis Rey or Los Alamitos --

COMMISSIONER AUERBACH: They have been with -- they have been with the community, I think that --

MR. LLOYD: Right.

COMMISSIONER AUERBACH: -- that's his concern.

COMMISSIONER SOLIS: Yeah. That's my concern.

MR. LLOYD: Right.

COMMISSIONER SOLIS: Coming off the farm, you know, a lot of those baby, they come sick, and my concern is getting the other horses sick too so --

MR. LLOYD: Right. No. They're --

CHAIRMAN WINNER: That's a legitimate concern. So the fact is they are all -- they are all coming from authorized facilities?

MR. LLOYD: Right. Yes.

COMMISSIONER AUERBACH: Okay.

COMMISSIONER SOLIS: Thank you.

MR. LLOYD: You're welcome.

CHAIRMAN WINNER: Any other questions? Any other comments?

Okay. Now, Commissioner Beneto moved.

Commissioner Solis, did you second?

COMMISSIONER SOLIS: Yes.

CHAIRMAN WINNER: Commissioner Solis seconds.

Commissioner Krikorian?

COMMISSIONER KRIKORIAN: Yes.

CHAIRMAN WINNER: Commissioner Solis?

COMMISSIONER SOLIS: Yes.

CHAIRMAN WINNER: Commissioner Auerbach?

COMMISSIONER AUERBACH: Yes.

CHAIRMAN WINNER: Chairman votes yes.

Vice Chairman?

COMMISSIONER ROSENBERG: Yes.

CHAIRMAN WINNER: Commissioner Beneto?

COMMISSIONER BENETO: Yes.

CHAIRMAN WINNER: Thank you very much, Kim.

MR. LLOYD: Thank you.

CHAIRMAN WINNER: Discussion and action by the Board regarding the proposed new plan for stabling, vanning in Northern California -- stabling and vanning in Northern California for 2016 thoroughbred races held at Golden Gate Fields.

You're in charge. I'm going to get coffee.

MR. DARUTY: Good morning. Scott Daruty on behalf of Golden Gate Fields. I'm joined by Cal Rainey and Joe Morris.

We asked for this item to be considered by the Board this morning in advance of our racing application, which you will be hearing next month. And I am talking specifically about the racing application for our fall meet at Golden Gate Fields, which opens in the middle of October and runs through the Christmastime.

We have kept good track of and studied the inventory of racehorses in Northern California, and we believe the realistic number of horses that will be available in Northern California for racing this fall is somewhere between 1300 and 1350 horses. We wish it were

1 more, but the reality is that's sort of what we expect
2 based on what we have seen in past years.
3 We're going to build some additional stalls at
4 Golden Gate Fields so that we'll have 1500 on-site stalls
5 available for thoroughbred racehorses at Golden Gate. We
6 have had discussions with the TOC who has asked us to have
7 a 10 percent cushion in terms of the number of stalls
8 available over and above how many racehorses we expect.
9 We're not sure that 10 percent is exactly the right
10 number, but there's really no point to debate that with
11 them, because the reality is with about 1340 is kind of
12 what we are expecting, a 10 percent cushion, 1500 stalls
13 is enough stalls to take care of all of our needs there
14 on-track.
15 For that reason, when we submit our application
16 next month for this Golden Gate fall meeting, we do not
17 intend to list any auxiliary stabling facilities as part
18 of our race meet application. We believe we will have
19 enough stalls on-site to accommodate all the racehorses in
20 Northern California.
21 We're not commenting on whether Pleasanton
22 should or should not stay open or if folks want to stable
23 their horses at Pleasanton and want to make other
24 arrangements to do so, that is certainly fine with us.
25 Our point in bringing this to you today is to say that we,

1 Golden Gate Fields, don't believe it is necessary for
2 running our race meet and will not be requesting it as an
3 auxiliary facility and therefor will not be paying for
4 that facility to remain open.
5 Last item I will mention is you might be
6 wondering why we're here talking about this today, why
7 didn't we just talk about it next month when our
8 application is before you. We wanted to try to be
9 responsible and we wanted to try to give the people whose
10 horses are stabled at Pleasanton as much advance notice as
11 possible so that they can make other arrangements.
12 Hearing about this today gives them roughly 90 days before
13 the facility would no longer be an auxiliary facility; so
14 hopefully that is enough time for them to make other
15 plans.
16 CHAIRMAN WINNER: Thank you, Scott.
17 Joe, anybody else commenting? Are there
18 questions?
19 There are a couple of other speakers who want to
20 speak on this issue as one would have expected.
21 Do we have any questions from the Board?
22 Hold on one second.
23 COMMISSIONER ROSENBERG: Yeah. I just --
24 CHAIRMAN WINNER: I think everybody does.
25 Madeline, let's start with you.

COMMISSIONER AUERBACH: Okay. I am a little curious. Is it because the inventory now is lower than it has been in recent history? Is that -- is that the point?

COMMISSIONER BENETO: Madeline, use the mike. I can't hear you.

COMMISSIONER AUERBACH: Oh, I'm sorry. I'll just scoot up here.

Is it because our inventory is so much lower at this point in our history, or --

MR. DARUTY: It's really --

COMMISSIONER AUERBACH: -- or is it -- I mean, tell me.

MR. DARUTY: Why now?

COMMISSIONER AUERBACH: Yeah. Why now?

MR. DARUTY: It's a very good question. I think it's a combination of factors. I think the inventory has been trending downward. And, again, that's not a fact that anybody likes but that is just the reality.

In addition, as the industry continues to come under financial strain, I mean nobody is doing as well as we would hope or as we have in the past. We've had to examine the Stabling and Vanning Committee, Golden Gate Fields, you know, TOC. Everybody has had to examine the way stabling is operating. And the reality is we have not been very efficient at operating our auxiliary stabling.

1 In other words, there have been horses there but they have
2 not been horses that have been racing at our race meets.
3 I will give one example, and if you need more,
4 Joe and Cal can speak to the specifics, but after the
5 yearlings sale last year, there were 30 yearlings that
6 were purchased that stayed in their stalls at Pleasanton
7 and that were paid for by the industry with free stabling
8 for horses that clearly were not racehorses.
9 There are many additional examples of that. And
10 we as an industry -- and I say not just Golden Gate Fields
11 but we have had these discussions with the whole Stabling
12 and Vanning Committee in Northern California -- we just
13 can't afford to keep spending all that money. We have to
14 limit the paid stabling to actual racehorses.
15 COMMISSIONER AUERBACH: Well, I -- the reason
16 I'm curious about this is because I was on the TOC when it
17 was time to close Pomona, and the hue and cry, I am sure,
18 will be as great at Pleasanton as it was at Pomona. I
19 don't doubt that. And I understand from all standpoints.
20 My question is to you now, do you have the
21 support of other factions of the industry to do it at this
22 point in time? If I read the rules correctly, it is your
23 responsibility, meaning Golden Gate, because it is your
24 meet, to make sure that there's places for people to
25 stable their horses. So -- and I know that it is in your

1 best interest to make sure that you have the inventory to
2 have the fields that you need to generate the income that
3 you need; so my question to you is, do you have -- have
4 you garnered the support of your industry partners to get
5 this done at this time?
6 MR. DARUTY: Well, I don't mean to dodge the
7 question, but let me answer it this way. We have had
8 ample meetings with the TOC, we have had meetings with
9 CARF, we have met at Pleasanton. I think everybody at CTT
10 as well. I think everybody is here, and rather than try
11 to --
12 COMMISSIONER AUERBACH: Put words in their
13 mouths.
14 MR. DARUTY: -- have me answer what I think they
15 are going to say --
16 COMMISSIONER AUERBACH: Okay.
17 MR. DARUTY: -- we will let them speak.
18 COMMISSIONER AUERBACH: Well, the other thing
19 too is if my understanding is correct, this isn't about
20 closing Pleasanton. This is about the industry not paying
21 for it anymore at this -- for this juncture; is that
22 correct?
23 MR. DARUTY: That is -- that is absolutely
24 correct.
25 COMMISSIONER AUERBACH: Okay.

MR. DARUTY: We would -- we would welcome --

COMMISSIONER AUERBACH: So the -- the --

MR. DARUTY: -- Pleasanton to remain --

COMMISSIONER AUERBACH: -- the rhetoric is not we're going to close Pleasanton. The rhetoric is we're going to save a little bit of money here and not financially support a facility where there is inventory that we can't utilize.

Is that a fair statement?

MR. DARUTY: That is correct. And let me also add, I neglected in my initial remarks to make one point, which I think is important.

We have looked at the natural ebb and flow of the racehorse inventory, and it is our belief that comes springtime, and whether that is April 1 or April 15 or, you know, March 15, I don't know, but in the springtime the population swells. And we have had discussions with Pleasanton and with others in the industry that we would like to reopen Pleasanton as an auxiliary stabling facility, and I'm getting ahead of myself because this would be part of our next application for our next race meet.

COMMISSIONER AUERBACH: Well, I am just trying to get an overall picture --

MR. DARUTY: Right. So overall, we would expect

that, let's say, next April Pleasanton would open back up, Golden Gate Fields would pay for, through stabling and vanning, for Pleasanton to be open. That obviously leads naturally into Pleasanton's summer race meet. And what we think is that from, say, October to April that's the time period where it really doesn't make sense to have that facility open and pay for it.

COMMISSIONER AUERBACH: I think what I am trying to do is clarify the language. I don't like the open and closed, because as far as I'm concerned they are always open. What we are talking about is financial support from the industry.

And I just want the nuances, I want people to understand that nobody is saying close Pleasanton. You are saying we just can't give them the financial support for this period of time.

Is that -- I would like to put it in context because I don't want to see headlines or people standing up and yelling you are trying to close Pleasanton because I don't think you're trying to close Pleasanton. I think you are trying to manage the financial aspect of it.

MR. DARUTY: You are a hundred percent correct, and I appreciate the clarification.

COMMISSIONER AUERBACH: Well, just not so much for me but for everybody because I can already hear what I

1 think I'm going to hear so --
2 CHAIRMAN WINNER: But we also have to hear from
3 Pleasanton whether or not --
4 COMMISSIONER AUERBACH: Right.
5 CHAIRMAN WINNER: -- from a financial standpoint
6 they can afford to --
7 COMMISSIONER AUERBACH: Absolute -- absolutely,
8 but that is really the issue.
9 CHAIRMAN WINNER: Right.
10 COMMISSIONER AUERBACH: It's -- it's -- that's
11 what I want to hear.
12 CHAIRMAN WINNER: Yes. Commissioner Rosenberg
13 and then Commissioner Beneto.
14 COMMISSIONER ROSENBERG: Before we get to the
15 others -- the other -- for Pleasanton and others, there is
16 legislation pending, as I understand it, that is supposed
17 to have been an agreement that was reached among the
18 parties to change the stabling and vanning rules in terms
19 of how much paid is to the various -- how much is paid for
20 stabling and vanning and where it comes from; correct?
21 Additional funding of sorts; correct?
22 MR. DARUTY: That is correct.
23 COMMISSIONER ROSENBERG: Okay. How does this
24 impact what you are trying to do?
25 MR. DARUTY: Well, the new legislation, which

1 has not passed yet, but which is broadly supported by the
2 industry and we expect that it will pass when the
3 legislature comes back into session in August, that new
4 legislation allows more flexibility for the industry in
5 how we treat the stabling; so it's not directly related.
6 Our decision to no longer pay for Pleasanton as an
7 auxilliary facility is not directly related to that new
8 legislation.
9 But ultimately, we believe that legislation
10 which does a couple of things; one of which is increase
11 the amount of money that can be funded into the Stabling
12 and Vanning Fund; and two, it provides the industry
13 participants with the flexibility, for example, when we --
14 when we are not using Pleasanton as an auxiliary facility,
15 under existing law, we have to still pay into the Stabling
16 and Vanning Fund. And that is not just Golden Gate's
17 money; 50 percent of it is purse money as well and that
18 money is required to continue to go into this fund.
19 Now, that legislation hasn't passed yet. We are
20 still contributing. That's not a problem because, guess
21 what, we have a huge deficit for stabling we have already
22 used that we haven't paid for yet; so it's going to take
23 time to pay that deficit off. But ultimately, if we look
24 down the road, let's say, a year from now, if in the fall
25 of '17 we don't pay as an industry for Pleasanton's

stabling, that would mean that the purses and the track commissions wouldn't be funded into the fund during that fall period. It's complicated. I don't know if I explained it properly.

But do you understand the point?

COMMISSIONER ROSENBERG: Yeah. Basically it doesn't affect this. Your decision here is really unrelated to that.

MR. DARUTY: It is for this year, but we believe we are starting the process that in the future is going to the bottom line, put more money into purses to help the industry.

COMMISSIONER ROSENBERG: Have you considered -- have you considered the fact that it is possible that by doing this you may actually be having an impact on reducing the actual horse population for the small trainers and owners who decide to get out of the business who have always trained and had -- owned horses -- I use Pleasanton.

MR. DARUTY: Yes. We have considered that. And ultimately, we don't want to take any material risk that we're going to drive horses way from California, because ultimately, we do need the inventory. But at the same time, we look at, in the last 12 months, spending as an industry roughly $2 million on Pleasanton as a stabling

1 facility.
2 And by the way, I said this before and I just
3 want to reiterate, that is not a knock on Pleasanton.
4 They do a great job. It is a wonderful facility. It's
5 just the reality is it is expensive to keep these
6 facilities open. So to spend $2 million to keep
7 Pleasanton open for 12 months when, you know, oftentimes
8 of the year there's only a couple hundred horses there,
9 and of those, you know, maybe 250 horses a significant
10 portion of them aren't racehorses. It just doesn't make
11 economic sense.
12 CHAIRMAN WINNER: I don't want to interrupt, but
13 just on that one point, if I may.
14 When you say a significant number are not
15 racehorses, are there also horses stabled at Pleasanton
16 that don't race in California?
17 MR. DARUTY: I will let Joe and Cal speak to the
18 specifics of that.
19 MR. MORRIS: Inventory from --
20 CHAIRMAN WINNER: Introduce yourself, Joe.
21 MR. MORRIS: Joe Morris from Golden Gate.
22 Inventory management, North and South, hasn't
23 been one of our strong points for the racing offices and
24 that is something we're trying to address up there. I can
25 tell you that in 2012 when I was there we started a

1 process -- we being Golden Gate, CARF, and the TOC on
2 maybe looking at a way where the horses could contribute,
3 and then if they didn't -- if they did race within a
4 period of time, they would get the money back.
5 At that time Golden Gate was getting just under
6 12 starters a day out of -- out of Pleasanton. That was
7 probably October of '12. In March of '13, when we finally
8 voted it, that additional spotlight and pressure that just
9 under 12 was 14 starters a day; so we got the numbers.
10 From October of last year through our meet that
11 just ended in June, that number is now 7.1 starters a day.
12 There's generally 250 to 300, maybe 350 horses there, and
13 they don't all race at Golden Gate Fields.
14 You know, some of them -- some of them -- Fresno
15 will end and some of the horses will go back to there and
16 that's kind of where they sit back for a while and then
17 they filter back to Phoenix or New Mexico. They don't
18 come in to our Northern California circuit so --
19 COMMISSIONER ROSENBERG: Joe, that is true about
20 Golden Gate too. All horses at Golden Gate don't race
21 there either.
22 MR. MORRIS: And as part of the inventory
23 management at Golden Gate, we will be addressing that
24 issue also.
25 COMMISSIONER ROSENBERG: But on those numbers

1 you just cited, it comes down to 7.2 in the last meeting?
2 MR. MORRIS: Thereabouts.
3 COMMISSIONER ROSENBERG: So my question, which
4 was if people decide to get out of the business,
5 especially in a lower claiming horse, what -- what
6 percent --
7 MR. MORRIS: We're not looking to drive anybody
8 out of the --
9 COMMISSIONER ROSENBERG: No. But I know you're
10 not, but it may result in that.
11 MR. MORRIS: But we -- well, but we have -- we
12 will have ample stalls at Golden Gate for them to move
13 into and that is actually the closest auxiliary training
14 facility to a track that we have in the state. I mean,
15 that --
16 COMMISSIONER ROSENBERG: What kind of --
17 MR. MORRIS: Pleasanton is closer to Golden Gate
18 than Los Al is or Hollywood was to Santa Anita.
19 COMMISSIONER ROSENBERG: But you're building
20 temporary stalls, not regular stalls; correct?
21 MR. MORRIS: At Golden Gate?
22 COMMISSIONER ROSENBERG: Yeah. What kind of
23 stalls are you building?
24 MR. MORRIS: Well, they are 12 by 12
25 prefabricated temporary, but they are nice stalls.

MR. RAINEY: This is Cal Rainey from Golden Gate Fields. We are constructing some stalls now that are portable in nature. However, not like the portable stalls in Southern California, because the weather is so nice here. We get a lot of weather up north and a lot of rain this year we had; so our stalls are going to have roofs over them so it's a little more complicated. They won't look as portable as the ones down here do. They are very robust and they will be kind of year round for our guys but they are -- they are portable --

COMMISSIONER ROSENBERG: Can you give us -- give us an idea of how much --

MR. DARUTY: Wood construction?

MR. RAINEY: Yeah. Wood and steel construction.

COMMISSIONER ROSENBERG: How much do they cost per stall? I'm just curious? Approximately.

MR. RAINEY: The cost right now is -- with the installation and everything it's probably over 4000 per stall that we are looking at.

MR. MORRIS: The actual stalls themselves, there's a long-term relationship I have had with the person, but they build the stalls at Gulf Stream, the same ones they build them at Laurel and Pimlico, they have done stalls at the Meadowlands. These are nice stalls.

COMMISSIONER ROSENBERG: So basically, you are

1 putting up roughly $600,000 of Golden Gate's money --
2 correct? -- to pay for the stalls? Who is paying for the
3 stalls?
4 MR. MORRIS: Golden Gate is paying for the
5 stalls.
6 COMMISSIONER ROSENBERG: That's what I said.
7 $600,000 in exchange for recouping over a period of years.
8 How much -- how much is that calculation?
9 MR. MORRIS: To have Pleasanton open on a month
10 is a little over $200,000 a month. Half of that is purse
11 money and half of that when we're paying is Golden Gate's
12 contribution. So in five, six months you have them paid.
13 COMMISSIONER ROSENBERG: Well, if it was the
14 proper thing to do or if it is the proper thing to do, it
15 is a hell of an investment.
16 MR. MORRIS: It is, yeah.
17 COMMISSIONER AUERBACH: I have --
18 CHAIRMAN WINNER: I think Commissioner Beneto, I
19 think, had a comment or --
20 COMMISSIONER BENETO: My question is, if you
21 don't get people to move to Golden Gate and they choose to
22 stay at Pleasanton, is it on their nickel? I guess it
23 would be, wouldn't it?
24 MR. DARUTY: That is correct.
25 COMMISSIONER BENETO: Would you have a clocker

there a couple times a week if they need work horses?

MR. RAINEY: Cal Rainey at Golden Gate Fields.

Currently the clocker is part of the stabling auxilliary setup; so it's part of our cost at this time. I'm not sure if Pleasanton would want to put their own clocker there certain days of the week or how that would happen.

COMMISSIONER BENETO: I -- I didn't get that, Cal.

MR. DARUTY: Well, it is a question that I don't -- I don't think we have addressed yet. Our -- you know, our issue is not whether there's a clocker there or not. We would welcome there to be a clocker. It's a question of who -- who would be paying for that.

COMMISSIONER BENETO: Because I'm sure that some people might bite the bullet and stay at Pleasanton and run out of there.

COMMISSIONER AUERBACH: I had another question. Your numbers were interesting because you said the participation from the stabling at Pleasanton was approximately 7.1. That's a race. That's a race a day.

So my question was, do you think that you have that 7.1 in wasted space at Golden Gate?

You know what I'm saying? Is it -- is it going to be a fair tradeoff?

1 MR. MORRIS: Yeah, I do.
2 Joe Morris again, golden Gate.
3 And I do want -- on the 7.1, that does
4 include -- we put anybody who was stabled at Pleasanton
5 into that number. Some of those guys also have stalls at
6 Golden Gate. So we didn't back the Golden Gate stalls out
7 on that already, but they --
8 COMMISSIONER AUERBACH: Okay.
9 MR. MORRIS: -- have temporary stalls, you
10 know, as like we have in the South, where if you're
11 stabled at Los Al, you also probably have a few stalls at
12 Santa Anita.
13 COMMISSIONER AUERBACH: Okay.
14 COMMISSIONER BENETO: Excuse me. I guess the
15 last meeting Jerome made the statement that they weren't
16 going to close Pleasanton down; it was still going to go.
17 What -- does he -- does he know that your plan?
18 Did you discuss that with him?
19 MR. MORRIS: We -- Joe Morris again.
20 We met a month ago with CARF, Jerome. CTT had
21 representatives there, TOC had representatives there. And
22 as Scott said earlier, that's why we wanted to get this
23 meeting an the agenda today.
24 But at that point, I don't know if Pleasanton
25 will stay open or not, but they were very open to being

1 open when we needed them. So when we -- in that
2 conversation we were talking about opening them again in
3 April when more two-year-olds came in and as they built up
4 for their fair circuit.
5 So I'm not sure, you know, whether they're going
6 to stay open privately or not through that period, but the
7 plan is in April, we'd have that facility open again as
8 auxiliary stabling for the Golden Gate meeting.
9 COMMISSIONER SOLIS: I have a question.
10 CHAIRMAN WINNER: Yes, please.
11 COMMISSIONER SOLIS: How many stalls you say you
12 going to build? Four hundred, I think?
13 MR. MORRIS: No. We -- we have -- we have 1431
14 stalls right now. We have 24 in the process of being
15 built this week. That brings us to 1455. And we're going
16 to cap it off around 1500.
17 COMMISSIONER SOLIS: Fifteen hundred. Okay.
18 One of the things that concerned me is what we
19 went through last year with training for so long and so
20 much traffic and the track. And I know -- I know
21 Golden Gate don't have a training track; right?
22 MR. MORRIS: Correct.
23 COMMISSIONER SOLIS: And my concern is all that
24 traffic and the wear and tear on the track when you train
25 in one place. I mean, it really give us a lot of problems

1 last year, and now we really need to look into that.
2 Or if you have an idea how you're going to
3 prepare yourself for all the traffic that, really, the one
4 that suffer the most are the horses being so crowded.
5 MR. RAINEY: Cal Rainey from Golden Gate.
6 We're actually only talking about less than a
7 hundred horses additional at Golden Gate. This year, in
8 the spring, each month that we race live from January
9 through June, we had at least 250 empty stalls at
10 Golden Gate Fields. So we know we have empty stalls.
11 We're adding some more for a little cushion there so we'll
12 have 1500.
13 But in recent years we haven't had a full barn
14 area. And we've additionally had Pleasanton with more
15 horses. Now they're down to a lower number of horses as
16 well and less thoroughbreds that are racing at Golden Gate
17 Fields.
18 We think we can get the horses on the track. We
19 have a very safe track record. We have the Tapeta track
20 that we put in in 2007, and we've had very good results
21 with the track and the safety record of the track. And I
22 think that the additional horses can be handled by that.
23 MR. DARUTY: Yes. If I could just add to that
24 to give a little bit of context, it's not like we're
25 taking two similarly sized training facilities and adding

1 them together so that Golden Gate is, for example,
2 doubling in the number of horses that will be out training
3 in the morning.
4 Really, what we're talking about is probably
5 less than a 10 percent increase in the number of horses on
6 any given day that would be -- be training there.
7 CHAIRMAN WINNER: Are there any other questions?
8 I know Mr. -- I'm sorry. Commissioner Krikorian?
9 COMMISSIONER KRIKORIAN: Well, I'd like to just
10 comment on -- we keep talking about the inventory. And
11 it's frustrating to me because we never really get down to
12 a definition of what's a qualified horse that should be on
13 the track, number one.
14 And I have a program that's comprehensive to
15 identify someone who is an outside third party, perhaps
16 that could go out and count this inventory so that know
17 exactly what we're dealing with. We should know exactly
18 what we are dealing with.
19 COMMISSIONER AUERBACH: You'll get that when you
20 get the microchips.
21 COMMISSIONER KRIKORIAN: Well, you'll get that
22 when you get the microchips. But why wait? I mean, why
23 can't someone be out there counting heads and signing a
24 form, a third party, so we know how many horses are
25 qualified and we know what the numbers really are? We

1 don't know what the numbers really out.
2 COMMISSIONER ROSENBERG: That's true throughout
3 the entire state. The InCompass system we've had, there's
4 enough testimony before us indicating that the racetracks
5 in Southern California, at least, and Northern California,
6 most of them have not been keeping up the information
7 properly.
8 COMMISSIONER KRIKORIAN: The cost of over
9 eight million dollars a year for stabling and vanning, it
10 can't cost that much money to have somebody work for a
11 couple hours a day, counting heads of horses.
12 COMMISSIONER AUERBACH: And then what they do
13 is --
14 CHAIRMAN WINNER: Hold on. Speak into the
15 microphone. We should be communicating with everybody.
16 So if you have a question or a comment...
17 COMMISSIONER AUERBACH: I think, Joe, could you
18 explain how, when I -- only because I've been through this
19 for years, talking to Joe, and he was doing just that.
20 And I'd like to hear if that's changed any. I know you
21 talk about people moving horses around, misidentifying
22 them, things of that nature; so I don't know if that's
23 gotten any better.
24 MR. MORRIS: Joe Morris from Golden Gate.
25 One thing I'd point out is we are aware the

pilot program is happening with the microchips, and I don't know the exact number we have microchipped, but it's in the hundreds.

EXECUTIVE DIRECTOR BAEDEKER: More than 800 at this point. And even though the rule that is before this Board won't become effective until January 1st of 2018, our goal for 2017 is to have the -- every horse chipped in the North, and to have -- to work the program, and to get the results that you're asking for, Commissioner Krikorian, as part of the pilot project, and then of course to expand that statewide by 2018.

MR. MORRIS: So that's a project we embrace and are working to get to that.

We do use InCompass and we do keep it up to date up there. In the North, we count every month. And we've had two groups, two big groups go out and count twice this year, somewhere around December or January. CARF, TOC, CTT, and Golden Gate counted as a part -- this is a conversation that's been going on for quite a long time up there. We did it again last month and had everybody go out and count.

So I continue to count every month, but only the Stronach Group tracks now because that's where I work. But the TOC does go out and count still, and that data is there going back to January of '14.

COMMISSIONER ROSENBERG: I think that Mr. Krikorian's talked about a more expanded system, whether it would be either an outside company or person or an employee of the Stabling and Vanning Fund that actually is responsible for not just identifying the name of the horse and its age, but whether the horse is actually there being basically trained or it's laid up, et cetera, et cetera. That's the issue that I think he's talking about.

MR. MORRIS: I would contend that is the racing office's job, and it has been lax. And I can tell you if the Stronach Group tracks, it's not going to be lax anymore.

COMMISSIONER KRIKORIAN: It's been going on for forever, okay? And you don't have any numbers that are posted that we see on a regular basis. So why don't we just do it another way and take all the guesswork out. Let's have an outside third party --

MR. MORRIS: We go to my office, I can provide you --

CHAIRMAN WINNER: Hold on, Joe. Let him finish.

COMMISSIONER KRIKORIAN: -- and then -- and let an outside third party do the counting.

First identify what's going to be a qualified horse is supposed to even be on the track so people are

aware and know what they -- that the horses are qualified. Keep the numbers, and as these new -- when the chips come in and we don't need to do it anymore manually, then we go to that program.

CHAIRMAN WINNER: You're talking -- as I understand it, you're talking about either the track or the training facility, are these horses actually racehorses and how many are they and what are their qualifications?

COMMISSIONER KRIKORIAN: We really -- we really don't know. We've never been really provided with any, you know, comprehensive numbers on any kind of a regular basis.

MR. MORRIS: That may just be a communication issue. For the two years the Stronach Group tracks, I have an InCompass report every single month backed up by a count. Del Mar, I know, uses InCompass, and they keep theirs completely up to date. Golden Gate and Santa Anita do. And those are in files, the numbers are done, and there's charts that back them up. So that information is there. We may not pass it on to you but it's there.

COMMISSIONER KRIKORIAN: Right. If you take numbers and you put it in your back pocket, it doesn't mean anything to the industry. It only tells you what you want to know --

1 MR. MORRIS: Well, we're responsible for
2 managing our back stable areas and we've done that.
3 COMMISSIONER ROSENBERG: Joe, when you were
4 wearing a different hat -- I remember talking to you about
5 this -- and you -- that there were some tracks that were
6 not doing this. If the Stronach Group is doing it at a
7 hundred percent efficiency, are there tracks doing it that
8 way, the training facilities?
9 MR. MORRIS: That's -- we can ask them directly.
10 They're all in the room.
11 MR. DARUTY: Well, and just to clarify, while
12 we've identified this as an issue that needs to be
13 addressed, I wouldn't say that the Stronach Group tracks
14 are operating at a hundred percent efficiency today.
15 If what you mean is we're only allowing horses
16 in our stable areas that are really going to be racing,
17 that's not the case. We -- as Joe mentioned earlier, we
18 need to get better at that inventory management, and
19 that's something we're going to start working on.
20 CHAIRMAN WINNER: Obviously, it's not just
21 racehorses but there are -- also, there are stalls for
22 ponies that are required.
23 But I think what we're all getting at is to
24 determine independently, if possible, whether all these
25 horses that the industry is paying for are in any way

1 returning that to the industry by racing, or are they just
2 being laid up there, are they just yearlings, are they
3 nonracing two-year-olds, are they horses that are going to
4 be going up to Portland and racing, or -- how are they
5 benefiting racing in California? That's what we really
6 want to know.
7 And I'm not sure -- and what Commissioner
8 Krikorian is suggesting, as I understand it, is that it
9 doesn't cost that much to have some independent --
10 independent source go out and do that kind of analysis.
11 COMMISSIONER KRIKORIAN: I think we're more
12 concerned that there's a reluctance to do it.
13 CHAIRMAN WINNER: Why is there a reluctance? I
14 mean, is it a cost? How much could it cost to do this?
15 What's the other reluctance?
16 MR. DARUTY: Scott Daruty.
17 I'm not sure there is a reluctance. I don't
18 know that I've ever heard anybody in any of the meetings
19 we've had, be it CARF, TOC, CTT, or others, disagree with
20 the statement that there are currently horses in
21 California stables on the sort of public payroll, so to
22 speak, the Stabling and Vanning payroll, that are not
23 racehorses.
24 Again, I cited an example of 30 yearlings that
25 were being -- were having their stalls paid for by the

1 industry.
2 So I guess there's not a reluctance. And if
3 this Board, you know, says, "This is something we need to
4 do," then we will follow that instruction and go do it.
5 I think our position is we know there is a
6 problem. We know the problem needs to be solved. And
7 whether the problem is 30 horses, or 300 horses, either
8 way, it needs to be solved; so let's solve the problem.
9 COMMISSIONER BENETO: Scott --
10 CHAIRMAN WINNER: Go ahead.
11 COMMISSIONER BENETO: -- what worries me on
12 closing Pleasanton is the two-year-olds that are coming in
13 in the fall, start breaking for racing.
14 COMMISSIONER AUERBACH: In the fall.
15 COMMISSIONER BENETO: What -- there's no outside
16 facility, training facility that I know of in Northern
17 California that can handle something like that.
18 COMMISSIONER AUERBACH: Commissioner Beneto,
19 they're not supposed to be coming in in the fall. We're
20 not supposed to be paying for them. And that's the point.
21 The two -- when are the two-year-olds allowed to come in?
22 MR. MORRIS: For auxiliary, they're allowed to
23 come in on Jan 1, and for the racetracks, February 15.
24 COMMISSIONER AUERBACH: So that's part of the
25 problem --

COMMISSIONER BENETO: Yeah. But you've got six -- six, seven months of training if they come in 1st of January. Usually, it's at least --

COMMISSIONER AUERBACH: But we're not -- but that's what's happened to us over the years is that we've had a lot of -- and this is part -- was part of the problem with Pomona. We had a lot of abuse of system and that was what the problem was.

People -- and I'm not accusing anybody. People in general were bringing in horses that weren't ready. People like me were -- were playing the system the way I was supposed to, keeping my horses at the farm, getting them trained at the farm, paying my own bills.

Other people were bringing in very, very young horses that we're not supposed to be paying for. And this has been going on forever, and it is part of the problem. Those horses we are not supposed to be paying for, and that's the point. That's what we're struggling with.

And I understand Commissioner Krikorian's frustration. I'm frustrated. We're supposed to bring the horses in, I think February, 1st or 2nd or 15th or whatever the date is. And I would see people at the racetrack say, "Oh, look at, my baby's here."

And I'd say, "That's nice."

Oh, it's a January baby. Well, how come that

1 person gets to bring that baby in on my dime to be trained
2 there while I have to pay a training rate at a farm?
3 And that's, I think, we're getting to the
4 culmination of this going on for a long time and we're
5 trying to solve it now, if I'm -- if I'm correct.
6 COMMISSIONER BENETO: I go along with what
7 you're saying --
8 CHAIRMAN WINNER: Hold on.
9 Go ahead, Commissioner.
10 COMMISSIONER BENETO: I go along with what
11 you're saying. I didn't realize that there was a time
12 zone that you had to -- you say February 1st,
13 two-year-olds come in. Before that, they stay at the
14 farm?
15 MR. MORRIS: January 1 on the auxiliary sites
16 and February 15th at the racetracks.
17 COMMISSIONER BENETO: That's fair.
18 COMMISSIONER KRIKORIAN: So part of the problem
19 is, is that we need to actually qualify in writing what
20 horses belong on the track. Define and qualify, and then
21 have an accurate inventory, monitored by an outside third
22 party, and then we all know where we stand and know how
23 many horses are at the track. That's the information we
24 should all be sharing.
25 CHAIRMAN WINNER: Commissioner Rosenberg?

COMMISSIONER ROSENBERG: The January 1st date at the auxiliary sites, you mean to say there are no yearlings being brought into San Luis Rey in October, November to be broken until January 1st?

COMMISSIONER AUERBACH: They're not supposed to be.

MR. MORRIS: That's when they're supposed to come in, on January 1st. We've caught them there earlier and we have dealt with that.

COMMISSIONER ROSENBERG: Okay.

CHAIRMAN WINNER: Same with Galway?

MR. MORRIS: Same with Galway. Now, Galway is a split site so they can be part --

CHAIRMAN WINNER: If they're paying for it.

MR. MORRIS: And then they can pay for it; so they could be there early.

CHAIRMAN WINNER: Let me ask this, Commissioner Krikorian: What if we assign this issue to the Legislative Committee, which is going to be meeting prior to the next meeting, to come up with a recommendation as to how to pursue what your is suggesting and how to pay for it, or how it should be of -- what the oversight should be?

Are you -- would you be comfortable with that?

COMMISSIONER KRIKORIAN: Well, that's fine, if

that's the process we have to go through. I don't know, you know, what we have to do to get to that point. But any way that we could impose that type of a regulation on the industry, I think, would be important and would be helpful. And it would just clear -- there'd be transparency in what's being done, and that's all we're trying to get to.

CHAIRMAN WINNER: Correct.

I think we all have the same objective.

COMMISSIONER KRIKORIAN: I don't know what the road path is but the quickest road path that gets us to that is the road to take.

MR. DARUTY: A suggestion. We are doing monthly counts, and when I say we, it's not just Golden Gate. It's an industry -- TOC, CTT are involved. Apparently, we've not been doing a good job sharing that with this Board. So we'll commit to send that once a month to the CHRB staff for them to distribute, as you direct them to, and at least that's a first step to get you information right away.

EXECUTIVE DIRECTOR BAEDEKER: I've heard from various commissioners that it's not just the count. It's the characterization of that count, you know, how many are race ready and where they fit and so forth. I presume you have that in InCompass.

Is that something you look at monthly?

MR. DARUTY: We can include that in the -- in the report that we send.

Now, again, to the -- there's a little bit of discretion here because we've been talking about the easy example of when should a two-year-old come. But what if we're talking about a four-year-old, you know. We certainly understand that, you know, a horse needs to be laid up from time to time, if that's a 30-day layup versus a 120-day layup, at which point do you draw the line that says "Okay. You need to go to an off-site facility as opposed to staying on industry money"?

So there is some, I guess I would say, discretion in the description, but we could include that in what we send. And if you disagree with our designating something, then that's -- we can talk about it.

EXECUTIVE DIRECTOR BAEDEKER: Save time.

COMMISSIONER KRIKORIAN: Are you speaking for Santa Anita or are you speaking for stabling and vanning when you say this --

MR. MORRIS: Santa Anita --

COMMISSIONER KRIKORIAN: -- number one?

MR. MORRIS: -- and Golden Gate.

MR. DARUTY: Santa Anita and -- and Golden Gate.

And, you know, again, the facts will speak for

1 themselves. If there's a horse on the inventory list that
2 ran last month, that will be apparent, and if there's a
3 horse on the inventory list that hasn't run for 12 months,
4 that will also be apparent.
5 COMMISSIONER KRIKORIAN: Well, what about the
6 industry getting together and defining what horses are
7 qualified to be stabled at the tracks? Why don't we
8 define that?
9 CHAIRMAN WINNER: To get at your point, Scott, I
10 think the question is, is it two months? Is it six
11 months? What is it that qualifies a horse to be stabled
12 that the industry is paying for?
13 MR. DARUTY: That would be a difficult
14 definition to come up with. I think we know --
15 CHAIRMAN WINNER: But what Commissioner
16 Krikorian is suggesting is that maybe the industry can get
17 together with the trainers and the owners and you folks to
18 try to come up with something that people can agree to and
19 then come back and make a recommendation -- the racing
20 secretary.
21 MR. DARUTY: We would be happy to do that and it
22 would not just be Golden Gate. It would be us working
23 with the TOC and the CTT and CARF and the whole industry.
24 I just want to make sure, though, at some point,
25 you know, we are going to make a decision about Golden

Gate Fields and --

CHAIRMAN WINNER: Yeah.

MR. DARUTY: -- our need for an auxiliary training facility, and we do not believe it's necessary for the fall meet.

CHAIRMAN WINNER: Yeah. We understand that's the issue.

COMMISSIONER AUERBACH: One other thing I'd like -- I'd really like to clarify this.

Whose job is it to say to Pleasanton, for example, when they had those 30 horses that were walked over from the yearling sale and left there -- whose job is it to tell them they can't be there?

This is -- I think this is part of the problem. We have -- when we have horses that come in and they're not supposed to be in, whose job is it to be the policeman and monitor and stay stop?

CHAIRMAN WINNER: Isn't that stabling and vanning since they're the ones paying for it?

COMMISSIONER AUERBACH: Well, I don't know. That's why I'm asking.

MR. MORRIS: It's -- stabling and vanning would be the broad answer, but the racing office of who's ever running at that time should have the say.

COMMISSIONER AUERBACH: So as part of this whole

1 thing, if we're going to have an outside independent or
2 what -- however we do this, if we're going to have a
3 monitor, then I would like to see something established
4 that says when these horses show up in these stalls and
5 they are a yearling, or whatever they are, and they're not
6 supposed to be there, someone should have the authority to
7 say, "You need to move this horse off the property."
8 I think that's where all the frustration comes
9 in. We have absolutely no control -- not we, but none of
10 us seem to have the -- either the authority or the control
11 to do it, and I think that's where we struggle. Because I
12 know that a lot of these horses that come in are with
13 ownership that is either not aware, or whatever, that
14 their horses are not supposed to be there.
15 COMMISSIONER KRIKORIAN: Well, we want to make
16 sure that the industry is not paying --
17 CHAIRMAN WINNER: Hold on.
18 COMMISSIONER KRIKORIAN: We want to make sure
19 that the industry is not paying for --
20 COMMISSIONER AUERBACH: They are.
21 COMMISSIONER KRIKORIAN: -- for nonindustry
22 expenses.
23 COMMISSIONER AUERBACH: But we have been for
24 years. That's the problem.
25 CHAIRMAN WINNER: What we're talking about, all

of us are talking about here is in everybody's interest except those people who are cheating a little bit. What we want to do is stop that.

Commissioner Beneto, you had a comment?

COMMISSIONER BENETO: Yeah. I think Golden Gate is trying to clean up the mess.

CHAIRMAN WINNER: Right.

COMMISSIONER BENETO: I mean, I go along with what you're doing. You're providing more stalls at your track and you're getting more control on your horses. You got two facilities to worry about. It's a pain in the butt.

MR. DARUTY: Exactly right.

CHAIRMAN WINNER: Okay. So, look --

COMMISSIONER BENETO: So wait a minute. We shouldn't be running your business. You guys should be running your own business, keep track of horses, who belongs there and who doesn't belong there. And I think --

COMMISSIONER ROSENBERG: We have oversight over the Stabling and Vanning Fund; so we have to worry about where that money goes --

COMMISSIONER BENETO: Well, they're trying to clean that up.

CHAIRMAN WINNER: We know. We know. We're all

1 in agreement on what --
2 COMMISSIONER BENETO: But we're sitting here
3 keep massaging this thing.
4 CHAIRMAN WINNER: No. No, we're not. We're
5 looking for -- in my view, what we're trying to do is to
6 find -- I mean, there have been a number of different
7 suggestions here.
8 My recommendation continues to be that we give
9 it to -- that we do two things.
10 Number one, we accept your proposal, Scott, to
11 keep us more informed and to continue to do what you're
12 doing, maybe expand it so that we have more information on
13 the horses that you're monitoring or that you're
14 accounting for and auditing.
15 And that, number two, we assign a legislative
16 committee to review this at its next meeting, which is
17 prior to the next Board meeting, to see if the Legislative
18 Committee can come to the full Board with a recommendation
19 of whether or not, and if so, how to proceed with an
20 independent -- some form of independent audit, as
21 suggested by Commissioner Krikorian, and how that might be
22 paid for.
23 COMMISSIONER KRIKORIAN: And what about adding
24 to that, that we get a copy of the list that you're
25 talking about --

1 CHAIRMAN WINNER: I think that's what -- I tink
2 that's what Scott was suggesting.
3 COMMISSIONER KRIKORIAN: All we're looking for
4 is transparency here, and making sure that all things are,
5 you know, above board.
6 CHAIRMAN WINNER: I think we're all in agreement
7 in terms of the objective. There's no question that
8 racing in general can be more careful and therefore save
9 the industry money if we do this appropriately.
10 And I agree with Commissioner Beneto. That's
11 what you're trying to do, and that's, I think, what we're
12 trying to do.
13 I think -- Mr. Baedeker, did you have a
14 question?
15 EXECUTIVE DIRECTOR BAEDEKER: I did, and then a
16 point for the Board members.
17 I've been asked -- we've received a lot of
18 feedback from owners that have opinions about this. One
19 of the questions that comes up is -- maybe it's not a
20 question but scepticism that you have the ability, in
21 fact, to put up the stalls that you've talked about
22 because the thinking goes that you won't be permitted for
23 those, not just the structures themselves, but the
24 electric and the water and so forth.
25 So could you address that issue?

MR. DARUTY: Some of them are being built right now. The skeptics, I think, by what, the end of the week or next week can go out and touch them and see them and feel them themselves --

EXECUTIVE DIRECTOR BAEDEKER: What about the rest of them, the other 50 or whatever that are going out later?

MR. MORRIS: We're planning on next Wednesday pulling together the representatives from the stabling and vanning up there to look at what we've done, and if they -- anything needs to be tweaked, it will be tweaked, and then we're going to go forward with the other 45.

CHAIRMAN WINNER: What about permitting --

EXECUTIVE DIRECTOR BAEDEKER: The permitting with the city.

MR. MORRIS: They're portable stalls.

EXECUTIVE DIRECTOR BAEDEKER: And what about electric and water? That was specifically asked.

MR. RAINEY: So the stalls are going to be put together and have the covers over them. And at that point we can add electricity, if we want to, and get the permits at that time.

MR. MORRIS: The 24 we have are going on the end of current barns. So they're connected, you know, right on the end of the barns that are already there with

electric and water.

EXECUTIVE DIRECTOR BAEDEKER: So to be clear, you're going to need to get permits for those --

MR. DARUTY: To be clear, our -- to be clear, our request, which is going to come next month, is that we will have 1500 stalls up and operating at Golden Gate Fields.

And, you know, it would certainly be your right to say, if we say that and it doesn't come true, then we haven't met the condition in our license, and we would be required to keep Pleasanton open. I think that's the simplest way to address it.

We're not here saying we're going to have 1500, ha, ha, you know, at the opening of our meet. We're not. But we will have tricked them.

If that's anybody's concern or that's the skeptic's concern, build it in as a condition of our license application and we'll have them and meet the condition and we'll all be fine.

COMMISSIONER SOLIS: What about housing for the grooms?

MR. RAINEY: We have tack rooms now that we have some empties at the track that we can use some of those, and we also will have some at the end of the new stalls that we put up.

CHAIRMAN WINNER: And that would be new?

MR. RAINEY: Yes. There will be some additional ones.

CHAIRMAN WINNER: Okay.

EXECUTIVE DIRECTOR BAEDEKER: The other point I was going to make, Mr. Chairman, is the process here, I don't know that we've made that clear at the outset.

So as has been stated, next month you're going to be considering the race meet application that will include the number of stalls to be provided at Golden Gate Fields. And it is the responsibility of the Board to judge whether or not that is sufficient to operate the race meet. That will be the specific question that's put before you.

And so the purpose of bringing this up today was to preface that discussion and get a lot of these questions answered ahead of time.

CHAIRMAN WINNER: And there are several people who want to speak on this issue. So if there are no other -- if there are no further questions for the Golden Gate folks --

COMMISSIONER AUERBACH: One more point. I hate to keep harping on this, but it is really a sore point for me.

How are we going to monitor those horses that

1 come in early? Who is going to take care of that?
2 COMMISSIONER BENETO: They are. That's their
3 job. That's not our job.
4 COMMISSIONER AUERBACH: But I guess what I'm
5 saying is are you guys -- not you guys -- but San Luis Rey
6 and Pleasanton and -- are you now going to say, "Hey,
7 look, you cannot have those horses in there," or do we
8 need a directive from the Board that says that you have to
9 follow those instructions?
10 Now, I'm not -- I'm talking about the everybody
11 you, not you.
12 MR. DARUTY: Well, we're going to monitor it,
13 and we're going to have an incentive to monitor.
14 I guess the point is in prior years, Pleasanton
15 was available, and there was horses there, and we are
16 paying for the facility, not on a per horse basis but on a
17 here's how much the facility is.
18 And Golden Gate was being operated, and as we
19 said earlier, because Pleasanton was open, we had several
20 hundred stalls available at Golden Gate. So it really
21 wasn't an issue. In other words, there was no reason to
22 kick somebody out when we had 150 empty stalls here and,
23 you know, several hundred there.
24 So have we been less diligent than we should
25 have? Yeah, we have. But there was also really no point

1 up until we -- we stopped paying for Pleasanton. Now
2 there is a point. Now we are incentivized to make sure
3 because we now don't have unlimited stalls. That's the
4 point. If we could pay for and afford unlimited stalls,
5 that would be wonderful, but we can't.
6 Does that address your issue? The bottom line
7 is, yes, we are going to be incentivized to make sure the
8 horses at Golden Gate using those now less -- you know,
9 now limited number of stalls, not unlimited as it used to
10 be, we have an incentive to make sure they're racehorses,
11 and we will make sure they're racehorses.
12 COMMISSIONER AUERBACH: Same thing needs to
13 apply, though, to your other facility, to San Luis Rey.
14 MR. MORRIS: The fundamental change --
15 COMMISSIONER AUERBACH: -- because it's just not
16 fair.
17 MR. MORRIS: The fundamental change we need to
18 put in, historically, we've allotted stalls to trainers.
19 So the trainer gets a block of stalls, and then we
20 don't -- we don't monitor real close on what they're
21 bringing in or taking out within those stalls.
22 And the change is going to be there's going to a
23 stall application for every horse that comes in, and
24 stalls are going to go to horses. And we're going to have
25 to go one-by-one as they bring them in and look at the

qualities and the qualifications of the horse and decide stall by stall as we go along.

And that's for the initial set when we open up a barn area, but that's also for the ongoing flow of horses coming in and out.

COMMISSIONER BENETO: That's the way it used to be, Joe, years ago.

MR. MORRIS: I know. And we got away from it somewhere along the line.

COMMISSIONER BENETO: I remember the racing secretary had to say on -- if you want to bring a horse in or out. I mean, that was -- that was -- they monitored that at Golden Gate. I mean, I've hauled in there, I've hauled into Santa Anita, and it was the tight inventory control.

MR. MORRIS: That needs to go back into place and that's what we're going to do.

CHAIRMAN WINNER: Okay. Thank you very much, gentlemen. There is no action on this.

We do have three other speakers.

Thank you very much. If something comes up, don't go away.

Alan, you're up.

Okay. Nick Coukos, he's up.

MR. BALCH: I defer to him.

CHAIRMAN WINNER: What is this? Alfonse and Gaston?

MR. BALCH: He's the official horsemen's organization so he can go first.

CHAIRMAN WINNER: Okay. Nick, you're up.

We also have Larry from CARF who wants to speak. So we have three speakers on this issue.

So we will start with Nick from TOC.

MR. COUKOS: First of all, good morning, everyone. I know we've had a very long discussion on this topic.

And just to Commissioner Krikorian's point, in January we did a count that included TOC, CTT, Golden Gate, and Pleasanton, and CARF as well, and we went through the horses that were on the grounds at that time, Commissioner Krikorian.

And I had determined unilaterally to come up with a number to say whether I thought a horse was -- a horse that was actively in training. And we can argue about the number I came up with, but I came up with 90 days. And it was 90 days on whether a horse had raced or had breezed. So if a horse hadn't raced in 90 days or hadn't breezed in 90 days, it was a horse to me that brought up a red flag.

So after we had done the count, and it was

1 curious that just by visually looking at the horses -- and
2 we looked at every single horse that was on the grounds.
3 I know Larry walked around with me and so did Bill from
4 the CTT. You could probably tell by visually looking at a
5 horse, a horse that is really not in training. I mean,
6 there are just a lot of signs that sort of -- when you
7 look at their legs or you look at their body, you can sort
8 of tell that.
9 And I had noted that about 20 percent of these
10 horses that we looked at were not in training, excluding
11 the two-year-olds. And at that time we had -- I'll give
12 you the exact number of the count at Pleasanton was 1308;
13 36 of those horses were two-year-olds. So if we back out
14 the two-year-olds, we come down to about 1260-odd horses.
15 UNIDENTIFIED SPEAKER: Golden Gate, not
16 Pleasanton.
17 MR. COUKOS: I'm sorry. Thank you. Thank you
18 very much.
19 Three hundred at Pleasanton, I'm sorry.
20 Thirty-six of those horses were two-year-olds. So we come
21 down to about 270 horses at Pleasanton.
22 When we -- after we did the count, the racing
23 secretary, Patrick Mackey, went back to Equibase and did
24 the check on how many of these horses had that 90-day
25 either breeze or race. And it was, interestingly enough,

1 20 percent of them had not. So that was the determination
2 we had made at that time. So it's just further to your
3 point on that issue.
4 COMMISSIONER KRIKORIAN: That's about 260
5 horses; right?
6 MR. COUKOS: Correct. In January. This is in
7 January. Okay?
8 And I think it's something that's a basis that
9 we can consider in the future. Because I think it's very
10 important to determine some sort of guideline and what
11 that guideline is on whether that horse is a racehorse or
12 seriously in training. I mean, they're all racehorses.
13 It's just a matter of when they're going to come back into
14 the system.
15 TOC position -- the current TOC position is that
16 we take the peak horse population throughout the year, and
17 then we add 10 percent to that. And we have some
18 rationale behind that. And let me explain that to you.
19 The peak horse population in the North in 2015
20 was in April. It was l,478 horses. That was April 15.
21 In January 15, just to put that in perspective,
22 the number was 1,474 horses.
23 So we're looking at about 14- -- almost 1480
24 horses in January of last year.
25 If we use our formula and apply 10 percent to

1 that, we come up to a number of 1,625 stalls that are
2 required up North in order for us to consider not
3 subsidizing another stabling facility.
4 We did a stall count last week, as Mr. Morris
5 mentioned. We did count 1,431 stalls. And as they
6 mentioned, they have a plan of building about another
7 70 stalls. That would bring us up to the 1500 mark. That
8 still falls sort of what the TOC requires up North.
9 You may ask why are you taking the peak number
10 versus the number at any other time, which is a very good
11 question.
12 One thing we want to do is we want to ensure
13 that we promote growth in the horse population and not
14 limit horse population. And I think if we say all we've
15 got is 1500 stalls, that's all we've got, and once we take
16 ponies out of the equation and other things out of the
17 equation, we're just not promoting growth. And we need to
18 promote growth up North. Our average field size is just
19 not where it needs to be, and we need to increase that.
20 So we don't want to limit any of that. That's the TOC
21 position.
22 COMMISSIONER KRIKORIAN: I have a question.
23 When you take these numbers, and you said
24 roughly 1500, what happens if you take the 20 percent out
25 that are nonracing?

MR. COUKOS: Well, that would have an effect on that. But that's not something we've all agreed to.

COMMISSIONER KRIKORIAN: No. I'm not saying it is but -- that we agreed to anything. I'm just saying if you take --

CHAIRMAN WINNER: First, if you take fifty -- fifty horses --

COMMISSIONER KRIKORIAN: You take the 20 percent, no, that's still 250.

CHAIRMAN WINNER: Yeah, 250.

MR. COUKOS: Well, I'm only talking about Pleasanton now. I'm not talking about -- that's -- that's based on the 300 horses.

CHAIRMAN WINNER: Let me, just to clarify, I thought your 20 percent figure was based on Pleasanton, which would be about 50; is that correct?

MR. COUKOS: That's correct.

CHAIRMAN WINNER: Okay.

MR. COUKOS: That's correct.

COMMISSIONER KRIKORIAN: I thought he had them commingled here.

CHAIRMAN WINNER: I don't know what --

MR. COUKOS: And, again, maybe 90 days may not be the number. Maybe it's 120 days. You know, that's something that we need to talk about.

1 COMMISSIONER KRIKORIAN: Okay. But what you're
2 saying is there's a potential problem here when
3 potentially 20 percent of the horses that are stabled in
4 the barn area potentially don't belong there. That's a
5 big -- that's a huge expense.
6 MR. COUKOS: Well, if you -- if you determine
7 that -- if you haven't raced or breezed in 90 days is the
8 criteria for you not belonging there, yes. I'm sure if we
9 bump that number up to 120 days, obviously that percentage
10 will go down. And if we go even higher than that, it will
11 go down even further.
12 CHAIRMAN WINNER: Well, I mean, it depends where
13 you set the criteria. You can set it --
14 MR. COUKOS: Exactly.
15 CHAIRMAN WINNER: -- at 60 days. You can --
16 MR. COUKOS: Absolutely.
17 CHAIRMAN WINNER: You can set it at 90 days and
18 not include breezing, that they have to run within --
19 MR. COUKOS: Correct.
20 CHAIRMAN WINNER: I mean, there are all kinds of
21 possibilities, permutations that would have to be agreed
22 upon.
23 But I think, again, Commissioner Krikorian's
24 point is that that's why we want to do an audit and have
25 some -- some definition as to what is acceptable to be at

a facility that the industry is paying for.

COMMISSIONER KRIKORIAN: Well, any horse that hasn't breezed for 90 days --

CHAIRMAN WINNER: Yeah.

COMMISSIONER KRIKORIAN: -- it's going to be a long time before they run again.

CHAIRMAN WINNER: That's exactly right. That's why we're suggesting --

MR. COUKOS: No question.

CHAIRMAN WINNER: -- that we can set a different criteria and that has to be -- that has to be pre-determined.

You didn't do the same analysis at Golden Gate -- when you talked about the 20 percent at Pleasanton, you didn't do the same analysis at Golden Gate using that 90-day criteria?

MR. COUKOS: No, we didn't.

CHAIRMAN WINNER: Okay.

MR. COUKOS: We didn't. But I think we should be doing it, and I fully support.

Just one last thing. I think Commissioner Solis also brought up a good point on the traffic and the potential for traffic.

Now, we're going from a facility where historically we've been sitting around the 1100 mark. If

1 we're going to bump that up by three or four -- 400 horses
2 at Golden Gate, I think a lot of things need to be taken
3 into consideration with traffic in the morning, as far as
4 training is concerned.
5 Thank you.
6 COMMISSIONER KRIKORIAN: Are you supportive of
7 what Santa Anita is proposing for Golden Gate?
8 MR. COUKOS: As far as?
9 COMMISSIONER KRIKORIAN: To close -- to close
10 down stabling at Pleasanton.
11 MR. COUKOS: We --
12 COMMISSIONER KRIKORIAN: For that meet?
13 MR. COUKOS: Right now, the TOC position is we
14 need 1625 stalls in the North in order for us to take that
15 into consideration.
16 COMMISSIONER KRIKORIAN: So that's a no?
17 MR. COUKOS: That's correct.
18 CHAIRMAN WINNER: Alan, you're on. Thank you.
19 MR. BALCH: Alan Balch, California Thoroughbred
20 Trainers.
21 We also -- we join with TOC in opposing the
22 closure of Pleasanton. I want to, I hope, add a little
23 bit, not just repeat what Mr. Coukos said.
24 Remember that we're talking about stalls, not
25 horses. That's the point I've made repeatedly to this

1 Board. Because, first of all, within that, say,
2 10 percent contingency, whatever that is, you do need the
3 ability to shift horses in and out; so there needs to be
4 some flexibility.
5 One of the -- one of the most difficult things
6 to come to terms with in getting the inventory straight is
7 even if you use the first of the month and have every
8 single horse identified, named, and what he is, what
9 category he is, and so forth, that's going to change the
10 next day and the next day and the next day. That's why we
11 agree with you, we need really great inventory control.
12 And we need not just the operating track but all
13 the auxiliaries thoroughly on InCompass. I really think
14 the system is in place to do that. But even InCompass
15 only works if the gate controls at each stable area
16 properly identify the horses in and out.
17 I know we're talking about in the future
18 microchips and so forth, but this was done in the past
19 before we even had InCompass. Now we have InCompass and
20 InCompass does take some work to set up and keep up, but
21 it only works if it's kept up rigorously for all stable
22 areas.
23 There's a lot of commerce in the breed. We want
24 to encourage commerce amongst racing, racetracks here and
25 elsewhere within North and South of California. We want

to know where every horse is at all times.

So we agree that the number probably is 1600 or greater. We are tired -- that's not the right word. We don't like to hear tracks saying, "We can't recruit new horses because we don't have anyplace to put them."

We have certain people in the North who say that, well, if Pleasanton closes, they'll move South. Well, we don't exactly have room in the South either.

One point that I think is critically important to answer Commissioner Auerbach's concern, now that she's back, how can there be yearlings at places?

Well, if the stable area is open anyway, the marginal incremental cost of having a yearling occupying a stall is almost nothing, whether it's San Luis Rey or Los Alamitos or even Santa Anita or Pleasanton. It shouldn't be --

COMMISSIONER AUERBACH: May I respond to that point, please?

MR. BALCH: Well, let me finish, if I could, please.

COMMISSIONER AUERBACH: Okay. Sure.

MR. BALCH: Now, that's -- I'm talking marginal incremental cost.

Now, when you have a different pricing model, for example, Galway Downs, where horses are approved

1 individually, and the approved horses are reimbursed at
2 850 a stall a day, and you have nonapproved horses having
3 to pay on their own 850 a stall a day, that makes a lot
4 more sense. Now -- and it gives an incentive to the
5 operator of the off-track stabling facility to -- if it's
6 working in conjunction with the racetrack on approved
7 horses, to have only approved horses being reimbursed.
8 But once you get into a situation, which we've
9 had at Pomona, and which we do have at San Luis Rey and we
10 do have at Los Alamitos and we have had at Pleasanton,
11 which is there's a flat rate per day for the stable area
12 to be open, that's a disincentive to having these
13 incremental horses unapproved.
14 Ma'am.
15 COMMISSIONER AUERBACH: My point, Alan -- and --
16 and I'm not arguing that it doesn't cost anybody any extra
17 money. It doesn't cost the industry any extra money
18 because, after all, those stalls are available.
19 I'm talking about a fairness issue. If you have
20 an owner who has his horses there, and they are being
21 trained there, that particular owner is -- is gaming the
22 system, in my opinion, because the rest of the owners have
23 to have their horses somewhere else to train.
24 And there is a huge cost factor to breeding and
25 owning, and it isn't fair for those associations to allow

1 those horses in and not charge them because the rest of
2 the folks have to pay for those horses.
3 So either everybody gets in or nobody gets in.
4 And that's just a fairness issue.
5 MR. BALCH: And I agree with that, of course,
6 because -- and then we have to go to the next question of
7 why has that happened?
8 And the Stabling and Vanning Fund, when it was
9 developed in 1992 or so, had the unintentional consequence
10 of being an economic disincentive for farms who operate
11 training. So there are far fewer places for horses to be
12 gotten race ready now than there were 20 years ago or
13 25 years ago. It's closer to 25 years ago now. And --
14 but that's a fact of life.
15 I do agree with you on the fairness issue;
16 what's good for one should be good for the other. And I
17 think that's why contrary to some of what you've yesterday
18 need, I think Galway has a very important place in the
19 system and probably will.
20 Now, back to the agenda item. That's a key
21 point for Pleasanton also, because we do have to realize
22 that we're talking about a statewide situation of horse
23 population, and there's one auxiliary training facility,
24 one improved training facility in Northern California,
25 beyond the operating track and the fairs, and that is

1 Pleasanton. And that is a key, key asset, training asset.
2 It's the only dirt training.
3 Our constituency, the California Thoroughbred
4 Trainers, we had a board meeting, a new board just seated,
5 and we unanimously opposed the closing of Pleasanton at
6 this time.
7 Now, there are other financial models, however,
8 that might need to be applied. And I think if we all got
9 together and talked about it, maybe we could move in that
10 direction but maybe not.
11 We certainly don't deny the figures that
12 Golden Gate has put forward, as far as the funding of the
13 stabling and vanning, but I think that's something we have
14 to grapple with, whether it's purses or funding for
15 stabling and vanning, because it's all coming out of the
16 same pockets, the racing associations and the purse fund,
17 and it's extremely difficult to do all these things and
18 run at a deficit.
19 CHAIRMAN WINNER: Alan, with respect to the
20 yearlings and with respect to other horses who are being
21 stabled at the Pleasanton facility or any facility, would
22 you agree -- I mean, you're talking -- you've raised the
23 issue of we have to prepare for growth.
24 Does it make sense to set -- to set the
25 criteria, whether there's room or not room, and say this

1 just isn't permitted now and it won't be permitted later;
2 that if -- the yearlings are not permitted to be in these
3 facilities, even if there is space available, for all the
4 fairness reasons that Commissioner Auerbach talked about,
5 but also because you have to set criteria. You can't just
6 say, well, there happens to be space available now so
7 we'll allow it.
8 MR. BALCH: Well, as a policy judgment, that's
9 attractive. But let's remember, the two-year-olds are the
10 easiest group to look at. But all two-year-olds are not
11 born on the same day, even though they become
12 two-year-olds on the same day.
13 CHAIRMAN WINNER: I think we're aware of that.
14 MR. BALCH: So you start to get into a real
15 problem. And two-year-olds in particular -- for example,
16 if anyone wants to say, "Well, if a two-year-old hasn't
17 breezed in 90 days," well, a two-year-old is different
18 than a three, and a three is a four. And a lot of you are
19 owners, you know, and different times of the year,
20 different racing schedules make lots of different reasons.
21 This sounds like I am representing, you know,
22 the trainers who are trying to game the system. But if
23 you had racing secretaries standing here, I think you'd
24 hear the same thing, because the racing secretaries have
25 to deal with that inventory.

CHAIRMAN WINNER: But there is some criteria that could be determined?

MR. BALCH: In my opinion, yes, but on a time-of-year basis, meaning --

CHAIRMAN WINNER: Even if it's on a time-of-year basis, that's --

MR. BALCH: Yeah. Sure.

CHAIRMAN WINNER: -- part of the criteria.

MR. BALCH: I absolutely agree. That would be a great thing to do, and I think we could achieve that because, let's face it, with two-year-olds taking them as an example, you just heard the January 1st-February 15, I think Joe said, timelines. And that's a start and --

But there's another point I haven't made that I think is critically important. When you're in the situation of year-round racing North and South, which we have, you have to remember that many horses are being prepared for the next meeting during an existing meeting.

It's very frustrating when a racing secretary in April says, "Well, I can't approve your horse. He's not going to run here."

Well, but if we have year-round training and stabling and vanning, he's getting ready for the next meet.

Del Mar has approved a lot of horses

1 intentionally that won't run at Del Mar because they're
2 doing their duty within stabling and vanning for horses
3 that will start in September at Los Alamitos or October at
4 Santa Anita and become next year's three-year-olds which
5 are going to help everybody. It alls work together.
6 It --
7 COMMISSIONER AUERBACH: We're aware of that.
8 I think what we're talking about, Alan, is the
9 abuse of the system that hasn't been corrected over time.
10 MR. BALCH: I'm not arguing that.
11 COMMISSIONER AUERBACH: I think that's all we're
12 talking about.
13 MR. BALCH: I'm not arguing that. I'm
14 suggesting there's a way to give a financial disincentive
15 for that behavior, though.
16 COMMISSIONER ROSENBERG: Alan, you mentioned one
17 thing that was interesting to me in terms of coming up
18 with a plan.
19 MR. BALCH: Only one?
20 COMMISSIONER ROSENBERG: Only one.
21 MR. BALCH: Okay.
22 COMMISSIONER ROSENBERG: And that is, what is
23 the system? There's a system at Galway of approval and
24 nonapproval. That doesn't -- that doesn't appear at any
25 other locations.

CHAIRMAN WINNER: Because it's a --

MR. BALCH: Well, I -- don't say it doesn't appear at all because I think it depends on who's doing the approving. But go ahead.

COMMISSIONER ROSENBERG: No. But to the charging for stall --

MR. BALCH: In terms of charging, that is correct.

COMMISSIONER ROSENBERG: Right. Both things, in my opinion.

Who controls -- who makes that decision? The Stabling and Vanning Fund or Galway?

MR. BALCH: There -- no, no, no. Galway cannot. That's a conflict of interest.

COMMISSIONER ROSENBERG: So who makes the decision?

MR. BALCH: It's the racing secretaries approving the horses and then providing the approval to the Stabling and Vanning Committee.

We've had a situation where someone wanted retroactive approval, and Mr. Coukos, as chairman of the Stabling and Vanning Committee, had to go all the way back through all these horses' histories and decide what was fair.

COMMISSIONER ROSENBERG: It's interesting that

1 the industry came up with a plan to hand -- to do it for
2 Galway. Galway has a system in place. But there's no
3 system in place for other places, including San Luis Rey
4 Downs as an auxiliary, or for the racetracks.
5 MR. BALCH: Well, it's because of the --
6 COMMISSIONER ROSENBERG: So we can't set up a
7 system is the point.
8 MR. BALCH: Well, it's because of the historical
9 approval, a custom and practice that a track said, "Well,
10 we're going to charge an incremental rate under the law
11 for what it cost us to be open."
12 And that's what led to it. It wasn't done in
13 bad faith. It was just done in a certain way. Because
14 let's remember, when this started, the auxiliaries were
15 full.
16 CHAIRMAN WINNER: Right.
17 MR. BALCH: So that was a big difference back
18 then.
19 COMMISSIONER ROSENBERG: So identify who would
20 be responsible to do this. It seems to me -- didn't
21 someone say the stabling and vanning budget is set at
22 seven million dollars a year; is that correct?
23 MR. BALCH: Well, it used to be --
24 COMMISSIONER ROSENBERG: Roughly?
25 MR. BALCH: -- twelve or more --

COMMISSIONER ROSENBERG: How much is it now?

MR. BALCH: -- but it's declining. I don't know what it is now.

COMMISSIONER ROSENBERG: Somebody mentioned it earlier.

Scott, do you know how much the budget is for the year, roughly?

MR. DARUTY: Eight million and change.

COMMISSIONER ROSENBERG: Eight million and change. For the whole state; correct?

MR. DARUTY: I believe so.

MR. BALCH: That's the South.

COMMISSIONER ROSENBERG: So it wouldn't seem --

CHAIRMAN WINNER: Wait, wait. If you're going to speak on the record, you've gotta come up here so that the --

MR. DARUTY: Scott Daruty.

The total budget for stabling and vanning in the South is a bit over eight million dollars.

For North --

COMMISSIONER ROSENBERG: South.

MR. DARUTY: South.

For Northern California, it's about two and a half million dollars.

COMMISSIONER ROSENBERG: So it's over a

1 10 million dollar budget for operating stabling and
2 vanning. It doesn't seem to me like it would be a big
3 expense, as Mr. Krikorian suggested, to have someone --
4 either get a full-time employee for a reasonable amount of
5 money to do this at various locations or part-time
6 employee for a very small amount of money to do what
7 Mr. Coukos is doing as the chairman of the Stabling and
8 Vanning Fund.
9 But we'll discuss -- we'll discuss this at the
10 next --
11 MR. BALCH: Right. And --
12 COMMISSIONER ROSENBERG: -- committee -- the
13 Legislative Committee.
14 MR. BALCH: Within the Stabling and Vanning
15 Committee, they should discuss it.
16 In my opinion, it's really even easier than
17 that, if everyone would get on and administer InCompass
18 properly, because they should be able to provide a daily
19 report of what's in the inventory.
20 CHAIRMAN WINNER: What is the current deficit of
21 stabling and vanning?
22 MR. BALCH: A lot.
23 MR. DARUTY: Scott Daruty.
24 It's a big number. It's probably three million
25 in Southern California and about a half a million --

1 it's -- yeah. It's zero right now in Northern California,
2 but by the time we finish this summer, it's projected to
3 be about 800,000.
4 You know, there is an economic solution to all
5 of this. It would never be acceptable, in my opinion, to
6 certain constituents. But it is something that is done in
7 other states, and that is if we decide that a racehorse
8 that should be reimbursed for its stabling by the industry
9 would run once every -- and pick a number. Once every
10 five weeks, once every six weeks. In some states it's
11 once every four weeks. You decide what the number is.
12 Let's assume for this argument a horse should
13 run once every five weeks, if it's going to be on the
14 industry dole as far as stabling is concerned. Charge
15 $15.00 a day to every horse that's in a stall, and every
16 time you get a start, you get a starter, you know,
17 allowance back, that it pays for your stabling over that
18 five-week period. And those horses that run, it's revenue
19 neutral to them, and the horses that don't, end up paying
20 for their stabling.
21 That's a system that we could support and that
22 we would certainly keep Pleasanton open, if that sort of
23 system was in place.
24 And, by the way, I'm not suggesting that the
25 revenue that was generated from this would go to the

1 racetrack. It would go into the Stabling and Vanning Fund
2 to help pay for all this.
3 That's a circumstance under which we would keep
4 Pleasanton open, absent that --
5 CHAIRMAN WINNER: Is that based on horse or
6 based on trainer or how would you do that?
7 MR. DARUTY: Well, you would do it based on
8 trainers. So if a trainer was given, you know, 10 stalls,
9 that would be -- and, again, I'm making numbers up -- but
10 that would be $150 a day. But those 10 stalls are
11 supposed to have, you know, 10 starts over a five-week
12 period, and they would get that money book.
13 CHAIRMAN WINNER: What if they had more than
14 that?
15 MR. DARUTY: Then they would make money.
16 COMMISSIONER AUERBACH: The fallacy in that,
17 though, Scott, is I had a horse that we tried to enter at
18 your esteemed track for several weeks, and through the
19 machinations of the racing office, could never get the
20 horse in.
21 I didn't want my horse to sit out for eight
22 weeks. My horse sat out for eight friggin' weeks, and it
23 wasn't my fault and it wasn't the horse's fault and it
24 wasn't the trainer's fault, and probably wasn't even the
25 racing office fault. We didn't get the opportunity.

1 So as well as we come up with these, you know,
2 systems that we want to put in, there's always a
3 quid pro quo. There's always something.
4 CHAIRMAN WINNER: You know, frankly, we probably
5 ought not get into a whole discussion over this new plan
6 that has been brought up by Mr. Daruty, although I think
7 that that plan and others should be discussed as we go
8 forward, even in committee or by the Board. I don't think
9 it's appropriate to discuss it here at this meeting.
10 But, you know, I think creativity is a good
11 thing. And I think what Scott is trying to do is to be
12 creative and he's using examples from other parts of the
13 country, and I see no objection, personally, to creativity
14 and to various different options being put on the table.
15 This is a big problem. We have a big problem
16 here. We're paying for something we're not getting. The
17 industry is paying for something we're not getting.
18 And as Commissioner Auerbach has pointed out,
19 some folks are gaming the system, and we need to remedy
20 that. I think everybody agrees with that. So it's just a
21 question of trying to figure out what the best process is.
22 As Commissioner Krikorian has suggested, at
23 least one solution that we could do immediately is somehow
24 find a way to hire an independent auditor to, No. 1, set
25 up criteria, and No. 2, go out and do the audit

1 independently.
2 COMMISSIONER KRIKORIAN: I would also suggest
3 that, what Scott said, you know, it has merit. And
4 stabling and vanning should look at something like that
5 and come back and give us a more concrete, you know,
6 proposal or plan that they think might work and so we can
7 evaluate it and discuss it together, for everybody's
8 benefit.
9 CHAIRMAN WINNER: I mean, we can all see
10 advantages and disadvantages to what Scott suggested, and
11 I'm sure there are others who will see disadvantages, as
12 well as advantages. But the point is we're looking for
13 some creative suggestion or various creative suggestions
14 that we can all together try to solve this problem.
15 But I agree, again, with Commissioner Krikorian
16 that Stabling and Vanning ought to evaluate this and
17 hopefully come back with some suggestion.
18 MR. BALCH: Alan Balch again.
19 I just want to wrap up by saying we are all for
20 accountability, as long as it's fair, and we'd like to
21 participate in the solution. Thank you.
22 CHAIRMAN WINNER: Thank you.
23 Mr. Coukos, are you now -- are you done?
24 MR. COUKOS: I'm done.
25 CHAIRMAN WINNER: You're done. Okay.

1 Larry.
2 MR. SWARTZLANDER: Larry Swartzlander. I'll put
3 on my CARF hat and Pleasanton both.
4 I like the Galway Downs model.
5 Back in 2012, Joe Morris talked about -- I was
6 part of a subcommittee with Richard Scheidt and the TOC,
7 and we were tasked to go out and do just what we've been
8 talking about for the last hour, accountability of horses
9 at Golden Gate and Pleasanton.
10 Bottom line to our search, garbage in, garbage
11 out. So for the last four years, I think we've moved a
12 long way. Nick's already talked about, I think we have a
13 good accountability of doing inventories every month. But
14 InCompass cannot give you the information you want.
15 I was tasked at the last NOTWINC meeting to go
16 to InCompass and ask all the questions: How many horses
17 haven't ran in the last three months, how many have not
18 worked out in the last six months? All the questions --
19 how many nonracing horses? There's a list of 12 of them,
20 and I can certainly provide them to the CHRB staff.
21 I got the work order back from InCompass this
22 morning. It's only $1875 to fix it. So I think this is a
23 big step. But, again, the information put into the system
24 was what you get out of it.
25 COMMISSIONER ROSENBERG: Say that again, slowly.

1 The last part of what you got back from the InCompass, the
2 report and somebody about --
3 MR. SWARTZLANDER: The issue, Commissioner, was
4 garbage in, garbage out. And I think we've come a long
5 way with that.
6 But InCompass itself --
7 COMMISSIONER ROSENBERG: Yeah.
8 MR. SWARTZLANDER: -- was never built to answer
9 all your questions, like, how many horses have not worked
10 out in the last three months, how many haven't raced in
11 the last three months --
12 CHAIRMAN WINNER: They do at some point.
13 MR. SWARTZLANDER: Well, there's a list of
14 12 questions I gave them, and they've now come up with a
15 work order that says that they can add all these
16 questions -- answer all questions.
17 COMMISSIONER KRIKORIAN: So you're saying they
18 answered your questions?
19 MR. SWARTZLANDER: I'm saying they gave me a
20 price on how to fix it.
21 COMMISSIONER KRIKORIAN: Oh, they gave you a
22 price.
23 MR. SWARTZLANDER: Yes.
24 COMMISSIONER KRIKORIAN: Would you buy it?
25 MR. SWARTZLANDER: I'd buy it. I'm going to

1 recommend to the NOT- --
2 COMMISSIONER ROSENBERG: How much was it,
3 $18.75?
4 MR. SWARTZLANDER: $1875.
5 COMMISSIONER ROSENBERG: To write -- to write a
6 new program that would change InCompass to include those
7 things?
8 MR. SWARTZLANDER: Yes.
9 COMMISSIONER ROSENBERG: Doesn't sound like a
10 lot of money.
11 COMMISSIONER AUERBACH: That's cheap.
12 MR. SWARTZLANDER: I think it's a big step.
13 COMMISSIONER AUERBACH: That's cheap.
14 CHAIRMAN WINNER: Especially if it's $18.75.
15 That's really cheap.
16 COMMISSIONER ROSENBERG: No. Even --
17 COMMISSIONER KRIKORIAN: So the question is if
18 that's the cost --
19 MR. SWARTZLANDER: Yeah.
20 COMMISSIONER KRIKORIAN: -- why isn't Stabling
21 and Vanning taking advantage of something like that now?
22 MR. SWARTZLANDER: We'll do that at the next
23 meeting.
24 COMMISSIONER KRIKORIAN: Pardon?
25 MR. SWARTZLANDER: I said we'll do that at the

meeting.

COMMISSIONER ROSENBERG: When you come back next month for the legislative regulation meeting, you should maybe tell us exactly what your plan is.

MR. SWARTZLANDER: Okay. I will do that, Commissioner.

CHAIRMAN WINNER: Any other questions for Larry?

Thank you.

Don Lockwood?

COMMISSIONER KRIKORIAN: Should we ask Pleasanton what their opinion is on the --

CHAIRMAN WINNER: I haven't got a card from Pleasanton. I'd be really interested in hearing their position.

Let me call on Mr. Lockwood. Let's hear from him and then...

MR. LOCKWOOD: Hello. I'm Don Lockwood. I run a van service --

CHAIRMAN WINNER: Okay. We're not hearing you, for some reason.

MR. LOCKWOOD: Hello.

CHAIRMAN WINNER: Yes.

MR. LOCKWOOD: I run a van service. And I've been listening to what's going on here. A lot of the stabling's been touched on, but none of the vanning has.

1 And I'm aware that the vanning is not reaching the
2 credentialed van companies going back and forth from fairs
3 and other racetracks to racetracks, training centers to
4 racetracks, and so on and so forth.
5 Some of this vanning is being paid for by the
6 industry. And we've approached the Federal Motor Carrier
7 Safety Administration, and they've asked us to voice our
8 opinions here.
9 A lot of these guys that are moving these horses
10 don't even have insurance.
11 COMMISSIONER ROSENBERG: Where do you operate?
12 MR. LOCKWOOD: We have a nationwide --
13 COMMISSIONER ROSENBERG: So you're talking about
14 all throughout the state, you're referring to this; right?
15 MR. LOCKWOOD: Yes. There's -- there's horses
16 that go back and forth from Golden Gate, Pleasanton, to
17 the fair meets, and the people that are moving these
18 horses have no credentials.
19 COMMISSIONER ROSENBERG: Yeah. But -- so who's
20 the contract with between the racetrack and the -- who
21 pays for -- is it the Stabling and Vanning Fund that pays
22 for it? And who contracts with you to pay for your
23 services?
24 MR. LOCKWOOD: The individuals pay.
25 CHAIRMAN WINNER: What -- Mr. Lockwood, what is

1 it that -- I mean, are you reporting this to us as a
2 report or is there some question that you have or
3 recommendation?
4 MR. LOCKWOOD: I'm asking why these people are
5 being paid out of a fund and they don't have proper
6 credentials to be on the highway.
7 CHAIRMAN WINNER: Well, that's not on our
8 agenda; so it's really not an issue we can -- we can
9 address at this point. And besides, as far as insurance
10 and highway is concerned, that's not even in our
11 portfolio.
12 The issue on the agenda is Pleasanton and
13 Golden Gate and the stabling facility, not the vanning.
14 COMMISSIONER BENETO: I can answer that
15 question, Mr. Chairman.
16 CHAIRMAN WINNER: Please.
17 COMMISSIONER BENETO: Being in the trucking
18 business for all my life, what should be done, to answer
19 your question, the hauler that's hauling the cargo, the
20 racehorse, should have a certificate of insurance with the
21 racetrack.
22 Now, we shouldn't be letting any van man come
23 into the racetrack without a certificate of insurance --
24 CHAIRMAN WINNER: That's not for us to decide.
25 COMMISSIONER BENETO: And that's the way the

1 trucking business works. So that's the first thing that
2 needs to be done, the racetrack should demand a
3 certificate before they let him in the gate.
4 CHAIRMAN WINNER: Commissioner Beneto, that's up
5 to the racetrack. I totally agree with you. We don't
6 want people on the road that don't have insurance hauling
7 these horses. I totally agree. But it's not germane to
8 our meeting.
9 COMMISSIONER BENETO: I know that. It's not our
10 problem. It's the racetrack should demand that, not the
11 Board.
12 EXECUTIVE DIRECTOR BAEDEKER: By us; correct?
13 Race haulers are licensed by us, are they not?
14 MR. SWARTZLANDER: Yes.
15 EXECUTIVE DIRECTOR BAEDEKER: Yeah. So this
16 would be fine for the Board to deal with, but it has to be
17 put on an agenda and -- in order for the Board to do so.
18 CHAIRMAN WINNER: And we'd be happy to do that.
19 In other words, the point is it's not germane to this
20 meeting. And -- because these meetings are public -- are
21 agendaed so that the public knows what we're going to be
22 discussing.
23 And your point is a valid point. We're not
24 disagreeing with that at all. We're just saying we
25 can't -- we can't discuss it at this meeting or make a

1 decision at this meeting since it wasn't agendaed for this
2 meeting.
3 MR. LOCKWOOD: Please accept my apologies.
4 CHAIRMAN WINNER: No, no, no. No apology. We
5 appreciate what you're raising and the point that you're
6 making. And as Commissioner Beneto said, clearly this is
7 an issue that we have a great concern about. We just
8 can't do it at this particular meeting.
9 MR. LOCKWOOD: And Commissioner Beneto hit the
10 nail on the head. They're not insured.
11 EXECUTIVE DIRECTOR BAEDEKER: Again, we can
12 discuss it in great detail --
13 COMMISSIONER BENETO: Regulation which happened
14 back in 1981, the trucking business is out of control. So
15 before that, you had to have a certificate with the PUC.
16 Before that, you had to get a PUC permit or interstate
17 permit.
18 But this could be handled -- if you guys get
19 together and talk to the management of the racetrack,
20 maybe, to make sure that -- this is to their benefit too,
21 for them to have a certificate of insurance. If a guy
22 comes in and starts a fire or does some damage that hurts
23 a horse or whatever, while he's loading and unloading,
24 there should be some liability there on the trucker,
25 some -- should be all liability until he leaves the gate.

1 CHAIRMAN WINNER: Okay. Let's -- again, we can
2 definitely put this on the agenda for a future meeting,
3 maybe in August, and have a full discussion on it, because
4 it's clearly an issue. Or perhaps it can be resolved, as
5 Commissioner Beneto is saying, between -- with the
6 racetracks, as suggested, that they can't be allowed on
7 the facility unless they have insurance. But that's --
8 again, that's between them and the vanning company.
9 Thank you, Mr. Lockwood. Thank you.
10 MR. LOCKWOOD: Thank you for your time.
11 COMMISSIONER KRIKORIAN: Is this something that
12 can be brought up in a Stabling and Vanning Committee
13 meeting?
14 CHAIRMAN WINNER: As far as I'm concerned, yes.
15 COMMISSIONER KRIKORIAN: Okay.
16 CHAIRMAN WINNER: Okay. Let's move on to item
17 No. 9. "Discussion and action by the Board regarding the
18 order by the Los Angeles Superior Court in the matter of
19 Gustavo De La Torre versus California Horse Racing Board,
20 et al., BS154412, to set aside court-determined approval
21 of Los Alamitos Quarter Horse Racing Association's House
22 Rule.
23 We have -- Phil is going to open up the
24 discussion. I think Items, 9, 10, and 11 are sort of
25 connected. But Phil Laird will open the discussion and

1 then we have a number of people who want to speak on these
2 various different items on the agenda.
3 Phil.
4 MR. LAIRD: Phil Laird, CHRB staff.
5 I think the Staff analysis that was provided in
6 your package pretty well sums up sort of why this item is
7 on the agenda. Specifically, in that case of De La Torre
8 v. CHRB and Los Alamitos Quarter Horse Racing Association,
9 due to -- well, essentially the judge, first of all, found
10 that the Court -- that this Board approved that Los
11 Alamitos house rule at issue in that case.
12 I know Chief Counsel Robert Miller and I take
13 issue with that characterization. But that said, that's
14 the Court's ruling and at this point has ordered the Board
15 to set aside such approval. And they've made it clear in
16 the most recent hearing that to do so this Board needed to
17 make a noticed agendaed item today and retract approval by
18 the way of a vote this morning.
19 CHAIRMAN WINNER: Okay. So essentially before
20 the Board is whether we abide by the Court requirement, in
21 essence, to retract?
22 MR. LAIRD: Exactly.
23 CHAIRMAN WINNER: Okay. There is one speaker on
24 Item No. 9. Apparently there's more than one speaker.
25 Mr. Martin is on his way up here.

But Daniel Schiffer, I think wanted to speak an this item before we vote.

MR. SCHIFFER: I'm deferring until later items.

CHAIRMAN WINNER: Okay. So we will not hear from Mr. Schiffer on this item.

However, Greg Avioli wants to speak on all these three items 9, 10, and 11.

Greg representing TOC.

MR. AVIOLI: Greg Avioli, TOC.

I'm not sure which item is going to be exactly that, 10 or 11, as we kind of combined them all, but we -- can you hear me?

COMMISSIONER BENETO: No.

MR. AVIOLI: Greg Avioli --

CHAIRMAN WINNER: Greg, just so we make it clear, because this is something that the Court has required --

MR. AVIOLI: Right.

CHAIRMAN WINNER: -- your comment at this moment ought to be just on 9. And then we can have a vote on 9, and then we can go on to 10 and 11.

MR. AVIOLI: I'll come back when you get after this one --

CHAIRMAN WINNER: Okay. So what I'd like to do is hear a motion with respect to item No. 9, which is to

abide by the Court requirement that we rescind what we did earlier.

COMMISSIONER AUERBACH: I will so move.

CHAIRMAN WINNER: So Commissioner Auerbach has moved and Commissioner Solis seconds.

Commissioner Krikorian, how do you vote?

COMMISSIONER KRIKORIAN: Yes.

CHAIRMAN WINNER: Commissioner Solis?

COMMISSIONER SOLIS: Yes.

CHAIRMAN WINNER: Commissioner Auerbach?

COMMISSIONER AUERBACH: Yes.

CHAIRMAN WINNER: Chairman votes yes.

Vice Chairman?

COMMISSIONER ROSENBERG: Yes.

CHAIRMAN WINNER: Vice Chairman votes yes.

Commissioner Beneto?

COMMISSIONER BENETO: Yes.

CHAIRMAN WINNER: Commissioner Beneto votes yes.

So Item No. 9 is carried by a six to nothing unanimous vote.

Let's go on then to Item No. 10 and let me read that for the record.

Item No. 10, Discussion and action by the Board regarding the submission of proposed emergency amendments to CHRB Rule 1581, racing secretary to establish

1 conditions in CHRB Rule 1842, Medication, Drugs, and Other
2 Substances to the Office of Administrative Law, in
3 response to the Los Angeles Superior Court's order that
4 the CHRB set aside approval of Los Alamitos Quarter Horse
5 Racing Association's House Rule.
6 Mr. Laird.
7 MR. LAIRD: Again, Phil Laird, CHRB Staff.
8 This item also kind of sprouts from the
9 De La Torre decision.
10 By -- what the Board essentially just did by
11 removing their approval is removed approval of a house
12 rule that essentially allowed Los Alamitos to operate a
13 testing program that allowed for eligibility for certain
14 horses to participate in certain races.
15 By removing that approval, essentially, without
16 that house rule, we believe that there is a reduced -- to
17 phrase it differently, let me put it this way.
18 I think everybody here agrees that at
19 Los Alamitos, their hair-testing program for eligibility
20 in certain races did enhance the integrity of those races,
21 has leveled the playing field, and has also increased
22 safety for those participants.
23 By not allowing that to continue, by order of
24 the Court, we believe that added safety component, that
25 added integrity component is now forcefully being removed

1 by the Court, and we think that's not sufficient. We
2 think that's created this emergency situation that's
3 reduced the level of safety and integrity that's been
4 established until this point.
5 So what we have before you is a proposed
6 emergency regulation.
7 The race, specifically it amends two rules,
8 Rule 1581 and Rule 1843. And what it does is it clarifies
9 the intent of this Board. 'Cause to explain what the
10 judge ultimately found in the De La Torre decision was the
11 Board has set certain threshold limits for medications as
12 well as of what can't be detected by an official test
13 sample, which means only collected by CHRB after a race.
14 Essentially the judge concluded that anything
15 lower than those thresholds is not permitted and is in
16 conflict with our rules.
17 I know from the beginning, Chief Counsel Miller
18 and I have disagreed with that. Again, though, the
19 Court's made a decision. And so what the Court has
20 actually recommended, which Judge Chalfant in that case
21 has recommended, is that a rule gets established that
22 clarifies the Board's intent, that explains that the
23 Board, with certain permissions, will allow a racing
24 association.
25 And pursuant to this rule, I want to emphasize

1 it would be only with the agreement of the recognized
2 horsemen's organization or organizations, depending on of
3 it's thoroughbred or not, to have approved such a -- such
4 a testing procedure.
5 We believe these regulations will remove that
6 conflict, will allow Los Alamitos to continue with their
7 program, will allow a program that I know has been widely
8 supported by the AQHA and is something they want
9 implemented as part -- as part of their challenge
10 championship this October.
11 And ultimately, we think it's a rule that
12 furthers the intent of why we regulate medication in
13 horseracing and why we oversee it. It encourages further
14 testing, it encourages ultimately, we think, safer riding
15 and safer kind of ground rules.
16 So anyways, I'm happy to answer direct
17 questions, and maybe it will get better facilitated as the
18 discussion continues. But it's kind of an introduction.
19 That's why this is here before the Board today.
20 CHAIRMAN WINNER: All right. Are there
21 questions for Mr. Laird? If not, we have a number of
22 speakers on this issue then.
23 So let me start then with Mr. Schiffer, who I
24 think yielded on No. 9, to be able to speak on No. 10 and
25 11.

1 MR. SCHIFFER: Mr. Chairman, members of the
2 Board, Dan Schiffer on behalf of the Pacific Coast Quarter
3 Horse Racing Association, the authorized representative of
4 the quarter horses at Los Alamitos and throughout the
5 state.
6 And I asked to speak on the first issue because
7 that case has kind of given us a framework that we would
8 go forward with in working through what both Los Alamitos
9 and the PCQHRA believes is good for both the horsemen, the
10 game, and the people.
11 Since it was -- this program was started, we've
12 had one positive and no further positives after that. And
13 at this point, what we're doing is working out the details
14 that the Court and the public and everybody can live with.
15 And hopefully this step is a step to a full rule that will
16 permanently enable this kind of testing to go forward in
17 the future and oversee our industry.
18 But what I really want to emphasize is, and I
19 hear from my client, the fact that this is happening is
20 having a very large effect on the horsemen and the way
21 they are doing their jobs getting horses ready to run.
22 And that's a positive -- a positive thing.
23 So just to emphasize, probably obvious, we want
24 you to pass these two rules. And we concur, we're working
25 with Los Alamitos to determine between us how that rule --

the rules will be implemented within our contract with each other.

Thank you.

CHAIRMAN WINNER: Any questions for Mr. Schiffer?

Thank you, Mr. Schiffer.

Greg Avioli.

MR. AVIOLI: Greg Avioli from the TOC.

We were asked by Mr. Baedeker to give our position on this, and the TOC supports the proposed amended regulation. That's all.

CHAIRMAN WINNER: Any questions for Greg Avioli?

MR. AVIOLI: Thank you.

CHAIRMAN WINNER: Thank you.

Tom Robbins. Tommy.

MR. ROBBINS: Tom Robbins, Vice President of Racing, Del Mar Thoroughbred Club. I'm here to talk about stabling. I'm kidding. Am I too late?

A little levity. Sorry.

I'm sure the -- when the original authors wrote up this rule, this regulation, I don't think they anticipated words like biological test samples to be part of this, but here we are today.

I've stood before this Board and other committees to talk about this particular rule as it

relates to anything that racing secretaries or racetracks, racing associations do, regarding the development of their condition books, programs, purse levels, all has to be done with the prior approval of the Thoroughbred Owners of California.

This language provides for that. The modifications to the existing rule provides for that. So for that reason, Del Mar Thoroughbred Club is okay with this proposed modification to Rule 1581.

Thank you.

CHAIRMAN WINNER: Thank you.

Any questions for Mr. Robbins?

Drew Couto.

MR. COUTO: Good morning. Drew Couto, on behalf of Los Alamitos Quarter Horse Racing Association.

I'd just like to emphasize one point that I think Phillip touched on briefly, and that is in the course of the court matter, Judge Chalfant made it very clear that he was supportive and sympathetic to what the Quarter Horse Association was attempting with the quarter horsemen and the Racing Association were attempting to do, but wanted to make certain that it occurred under the context of a regulation that authorized this. Because as Phillip pointed out, he determined -- the judge was of the opinion he believed that a conflict existed between the

1 two rules, and if we provided a regulation, that he would
2 be sufficiently satisfied that the parties could go
3 forward.
4 And, again, he is not opposed to what the
5 association is doing, the quarter horsemen are doing.
6 Simply he is concerned that procedurally it might not be
7 the best way to do it.
8 And that's why we made this request to the Horse
9 Racing Board. The Horse Racing Board participated in the
10 matter and came to the same conclusion that what the judge
11 wanted is exactly what you're doing.
12 So we're supportive of it and we hope that it's
13 approved by the Board today. Thank you.
14 CHAIRMAN WINNER: Thank very much.
15 Any questions for Mr. Couto?
16 Alan Balch.
17 MR. BALCH: Alan Balch, California Thoroughbred
18 Trainers.
19 I think the Board and Staff are in receipt of a
20 letter from California Thoroughbred Trainers. We oppose
21 this for the reasons stated in the letter.
22 Thank you.
23 EXECUTIVE DIRECTOR BAEDEKER: Mr. Chairman, if I
24 may, I want to address something that was contained in
25 that letter, and that was a reference, towards the end of

1 it, that referred to the Staff analysis as "exaggerated
2 and pernicious."
3 And I wanted to make sure that I correctly
4 understood the meaning of the word "pernicious," so I went
5 to Mr. Webster's Dictionary, and it says, quote,
6 "Pernicious implies irreparable harm done through evil or
7 insidious corrupting or undermining means."
8 To refer to the Staff analysis in such a way, I
9 believe is terribly unfair. I greatly dispute that
10 characterization and personally resent it.
11 And since your letter is on the record, I wanted
12 to get that comment on the record as well.
13 MR. BALCH: I think I said it was possibly
14 pernicious and I --
15 EXECUTIVE DIRECTOR BAEDEKER: You said --
16 MR. BALCH: And I --
17 EXECUTIVE DIRECTOR BAEDEKER: You said "even
18 pernicious."
19 MR. BALCH: And "even pernicion" --
20 "pernicious." And I refer in particular to the paragraph
21 at the top of the staff analysis 10.3, which I think is
22 greatly exaggerated, and I think calls into question the
23 medication testing that we all do and we rely on to keep
24 racing clean.
25 And I think the implication by how broadly this

1 rule is written is very problematic.
2 CHAIRMAN WINNER: Well, problematic is one word.
3 Pernicious is a different word with a different meaning.
4 MR. BALCH: Right.
5 CHAIRMAN WINNER: And I think, Alan, I would
6 hope that you agree that the staff of the CHRB does an
7 enormously difficult and thorough job, and certainly is
8 not pernicious. And perhaps on the record you'd like to
9 make it clear that the intent was not to -- I think it's
10 Ms. Webster, not Mr. Webster.
11 MR. BALCH: Merriam.
12 CHAIRMAN WINNER: Yeah.
13 -- was not to --
14 MR. BALCH: I do apologize if that was offensive
15 to the staff. I was referring to the staff analysis. And
16 I think I made it very clear that I felt that there were
17 unintentional consequences here and that I believe that
18 the staff analysis was not correct. And I was very
19 concerned about the ultimate unintended consequences of
20 passing this rule, as broadly as it is written.
21 Again, my letter speaks for itself. And I do
22 apologize if there -- if that was taken personally by any
23 member of the staff.
24 CHAIRMAN WINNER: I'm not sure it's a question
25 of taking it personally. It's a question of what the

1 intent was. But we accept your -- on behalf of staff, we
2 accept your apology.
3 MR. BALCH: Thank you.
4 CHAIRMAN WINNER: Any other questions for --
5 Mr. Krikorian?
6 Let's start -- let's start with --
7 COMMISSIONER KRIKORIAN: If you took issue with
8 what was being recommended, did the CTT come back with any
9 proposed language they would recommend?
10 MR. BALCH: I'm -- I'm very glad that you asked
11 that, because I think the letter also makes clear that we
12 said in its present form.
13 This -- this is -- although the issue that has
14 been raised for today's meeting relates to quarter horse
15 racing and it is intended to remedy a situation that has
16 arisen in quarter horse racing, the rule is written very
17 broadly. It applies to all racing and all racing
18 secretaries, with the approval of the horsemen's
19 organization.
20 CHAIRMAN WINNER: That's the key, though, isn't
21 it, with the approval of the horseman's organization?
22 MR. BALCH: Correct. But as my letter made
23 clear, horsemen's organizations can evolve and develop,
24 and there are lots of other things that can influence the
25 decision of a horsemen's organization, whether it's the

1 horsemen's organization that I represent, which is not the
2 official horsemen's organization, or the Quarter Horse
3 Racing Association, or the Thoroughbred Racing
4 Association. That's why we have a racing board.
5 I don't think it's prudent to develop medication
6 rules, standards, methods of testing, and so forth, that
7 are decided upon or developed by a subset of the Racing
8 Board, even though they're then subject to the approval of
9 the Racing Board, because that goes around the processes
10 that is set in law for everyone, and to participate in and
11 come up with the objective standards.
12 But I -- so to answer your question directly, if
13 this were to apply to quarter horse racing by itself,
14 even though there's a principle involved, we don't have
15 standing -- my organization does not have standing on
16 quarter horse racing.
17 So we're concerned primarily with the potential
18 application of this type of thing in the future to
19 thoroughbred racing.
20 CHAIRMAN WINNER: Which you do have standing.
21 MR. BALCH: Where we do have standing.
22 CHAIRMAN WINNER: Right.
23 MR. BALCH: And that's why we oppose --
24 CHAIRMAN WINNER: That would be subject to your
25 approval.

1 MR. BALCH: Well, no. The way this is written,
2 this is not subject to our approval.
3 CHAIRMAN WINNER: I understand.
4 MR. BALCH: But --
5 CHAIRMAN WINNER: If it went to --
6 MR. BALCH: Because we're not the horsemen's
7 organization.
8 CHAIRMAN WINNER: Yeah. I understand. It's
9 subject to the Thoroughbred Horse Association.
10 MR. BALCH: Correct.
11 MR. LAIRD: I would actually interject there
12 because under CHRB Rule 2040, it defines what the
13 acknowledged horsemen's organization is in the context of
14 thoroughbred. And it says that there are two separate
15 acknowledged horsemen's organizations: The owners and the
16 trainers. Both are referred to as the acknowledged
17 horsemen's organization.
18 So it's our interpretation that under this
19 proposed emergency regulation, it would in fact require
20 both CTT and TOC's --
21 CHAIRMAN WINNER: That's what I was
22 suggesting --
23 MR. LAIRD: -- approval.
24 CHAIRMAN WINNER: -- you're saying and Alan
25 disagrees but --

MR. BALCH: Well, I'm extremely happy to have that on the record. I hope it applies to Mr. Robbins and his stabling comment too.

CHAIRMAN WINNER: Off the --

MR. BALCH: But I know it's -- all kidding aside, the horsemen's organization, the two trainers -- the two organizations, the owners and the trainers, their responsibilities are divided.

And I have never heard this interpretation before because we've been restricted from being the horsemen's organization, and I think that language in the past is referred only to the official horsemen's organization. But if for purposes of this it includes California Thoroughbred Trainers, I'm very interested to hear that.

CHAIRMAN WINNER: Thank you.

Any other -- did you have a question, Madeline?

COMMISSIONER AUERBACH: I kind of think you answered it. I just -- I don't understand what your problem is with us trying to resolve a situation that we've been basically ordered by the Court to resolve. I don't see where we are overreaching in this at all.

MR. BALCH: Well, obviously, you're going to make the decision that you're going to make. I -- whatever you're going to make. I --

COMMISSIONER AUERBACH: Tell us specifically where this is overreaching.

MR. BALCH: Well, the -- I think my letter speaks for itself. Maybe my letter is pernicious.

COMMISSIONER AUERBACH: Well, it didn't speak to me and maybe because I'm not Merriam Webster, but I don't understand where you --

MR. BALCH: Well, I made -- I made --

COMMISSIONER AUERBACH: If you could tell me something, Alan, that says this is where it's overreaching.

MR. BALCH: Because it's -- it applies to all racing in California and the existing medication rules.

Let me -- let me read -- because some people in the -- that are listening to this here, or elsewhere, don't understand the primary paragraph and the analysis that we have a problem with.

Quote, the top of page 10.3, "Official testing by the CHRB is conducted largely after races are run" --

COMMISSIONER AUERBACH: Right.

MR. BALCH: -- "and such tests are only used to punish those licensees responsible for medication violations after the fact. For the wagering public, however, there is no protection. Those who wager on a winning horse that has been administered unauthorized

1 medications, which often includes the horse's owners and
2 trainers, obtain an unfair benefit, while those who bet on
3 a losing horse, not administered unauthorized medications,
4 become victims of an unlawful performance enhancing
5 scheme."
6 Now, where I emphasized, there is no protection,
7 that paragraph says, I think, that our entire existing
8 method of deterring this behavior provides the public no
9 protection, because unauthorized medications are only
10 determined after the testing is done and after the race is
11 run, and I disagree with that.
12 COMMISSIONER AUERBACH: But that's the way the
13 business operates --
14 MR. BALCH: I understand.
15 COMMISSIONER AUERBACH: -- now.
16 This isn't changing anything. This isn't
17 broadening our abilities to do anything. The protection
18 that the gambling public and the owners and trainers and
19 we all have operates exactly the same way.
20 I do not understand the objection to this
21 language and to what we're doing to get out of a court
22 case where we've been instructed to do it, and I -- I
23 think your objection is pernicious.
24 How does that grab you?
25 MR. BALCH: Okay. Tit for tat. Well --

1 CHAIRMAN WINNER: I just want to know, did you
2 write the letter?
3 MR. BALCH: Absolutely, every word of it. And
4 Mr. Cassidy actually assisted me. And he's a signatory to
5 it.
6 Listen, we -- we --
7 COMMISSIONER AUERBACH: I don't understand --
8 MR. BALCH: -- we have -- obviously we have a
9 serious disagreement with this. And because it's --
10 because we believe that what you're doing -- and I think
11 it's apparently unintentionally -- is opening the door to
12 enabling subsets of this sport in California to develop an
13 entirely different method, which we believe to be
14 completely impractical, of pre-race medication testing,
15 hair testing, which has never been subject to any scrutiny
16 whatsoever --
17 COMMISSIONER AUERBACH: You know what, I read
18 this very carefully. I don't see that.
19 MR. BALCH: Well, here's -- here's what the
20 language in the rule says.
21 "Any conditions" -- this is for the racing
22 secretary to establish conditions. "Any conditions that
23 are based on a participating horse's use or nonuse of a
24 drug substance or medication, or the presence or lack of
25 presence of a drug, substance, or medication in a

1 biological test sample taken from a participating horse
2 shall be agreed to in advance by the acknowledged
3 horsemen's organization" -- acknowledged horsemen's
4 organization -- "and approved by the Board before entries
5 are taken for the race.
6 "If such conditions are based on the results of
7 a biological test sample, other than an official test
8 sample collected by the CHRB, a description of the testing
9 methods and procedures the Racing Association or fair will
10 use to collect and analyze the biological test samples
11 shall be submitted to the Board for approval.
12 "For purposes of this section, biological test
13 sample refers to any biological sample, including but not
14 limited to blood, urine, hair, tissue, or saliva that is
15 taken from a horse."
16 And apparently that's what you intend to do.
17 But there has been, what, four days of notice, or ten
18 days, or something -- when did -- when was this notice
19 done? On Friday? Thursday or Friday?
20 MR. LAIRD: Last Friday.
21 MR. BALCH: Right. So last Friday.
22 There has been -- we don't even know what that
23 means, what -- what "Including but not limited to."
24 Genomes? Who knows what's going to come down the pike in
25 the future.

COMMISSIONER AUERBACH: Exactly why you probably need to acknowledge the possibility of something else happening, which is why your horsemen's associations need to be a party to whatever would be instituted.

CHAIRMAN WINNER: And the Board approves. It's in the language, approval of the Board.

COMMISSIONER ROSENBERG: This is a temporary -- this is a temporary measure.

MR. BALCH: Well, it's temp- -- Commissioner, with respect, it's a temporary measure that's intended to become a permanent measure, if I read the analysis properly, which it seems to me is going to be completely outside -- if OAL approves it, assuming OAL approves it, it's going to be -- it's going to change how medication testing is done in this state.

CHAIRMAN WINNER: Then it won't --

MR. BALCH: Then it won't. I understand.

But here, again, that's -- that's another part of Pandora's box.

CHAIRMAN WINNER: We need to move on here.

Are there any other questions for Mr. Balch?

MR. MILLER: Yes. Robert Miller, Counsel and CHRB staff.

This is an emergency regulation only, and it must be re-adopted by the Board within six months to a

1 year.
2 MR. LAIRD: Yeah. It can last for up to a year
3 with proper re-adoption, but otherwise after a year, this
4 is no longer on the books, unless this Board adopts it on
5 a permanent basis.
6 CHAIRMAN WINNER: Sunsets after a year.
7 MR. MILLER: The second point is --
8 MR. BALCH: And I made that point in my letter
9 too.
10 MR. MILLER: I didn't receive your letter.
11 MR. BALCH: It was sent to --
12 MR. MILLER: Commissioner Krikorian asked you if
13 the CTT proposed any language for this type of rule. And
14 I don't believe you ever answered that question.
15 MR. BALCH: Well, I tried to. We just -- we --
16 we don't -- we haven't had a chance to develop
17 alternative --
18 MR. MILLER: So the answer is no?
19 MR. BALCH: That is correct. The --
20 MR. MILLER: Thank you.
21 MR. BALCH: -- answer is no at this time. But
22 that's why we thought there should be more time.
23 COMMISSIONER KRIKORIAN: But the question is we
24 don't have that opportunity moving --
25 MR. BALCH: Well, I hope --

1 COMMISSIONER KRIKORIAN: -- forward.
2 MR. BALCH: Yes.
3 COMMISSIONER KRIKORIAN: And for clarification,
4 you can't have one rule for thoroughbreds and another rule
5 for quarter horses, can you, Counsel?
6 MR. BALCH: With respect, we already do. That's
7 part of the reason we're here.
8 MR. LAIRD: We can, but in this instance, I
9 would strongly advise against it for the reason that then
10 we're operating with, you know, a completely different set
11 of abilities, conditions, different racing secretaries can
12 write. I think it would be chaos for the industry
13 personally.
14 CHAIRMAN WINNER: We're also dealing with what
15 the Court's suggesting.
16 All right. Let us move --
17 Go ahead, Mr. Rosenberg.
18 COMMISSIONER ROSENBERG: Somewhat covered that
19 point. I believe Mr. Schiffer made reference to the fact
20 that this was part of the temporary regulation and that
21 they were going to be working -- the horsemen's
22 organization would be working with others to come up with
23 the new language or any changed languages, if there are
24 any, for the permanent regulation.
25 MR. LAIRD: That's correct.

COMMISSIONER ROSENBERG: Is that correct?

MR. LAIRD: And we're happy to engage all stakeholders in that discussion.

CHAIRMAN WINNER: Okay. Mr. Couto --

MR. BALCH: Thank you.

CHAIRMAN WINNER: -- do you want to comment again?

Thank you, Alan.

MR. COUTO: Yes. Drew Couto on behalf of Los Alamitos.

Just -- just to remind the Board of something that occurred in the past, I think you might remember years ago we had a problem with bicarb loading in the thoroughbred industry. And the industry came together, the racing associations and the horsemen, which was both TOC and CTT at the time, to develop a private program where we tested the horses outside of the CHRB official testing, determined what positives existed, and then implemented a security measure.

The horses had to enter into a surveillance and security barn for a period of time, 30 days for the first offense, 60 days, and 90 days. And that was completely done by agreement of the parties and it eradicated the use -- or minimized the use of bicarb loading until the Horse Racing Board could come up with final regulations

for that.

At the time, I want to say that the CTT was actively involved with TOC and the racing associations in coming up with that program outside of the official test program, but by agreement of the parties.

So I just want to remind that in the past, as Mr. Balch alluded to, organizations change, their positions evolve, but in regard to the thoroughbred industry and which CTT represents at the time, they supported those efforts and participated in those efforts.

Thank you.

MR. BALCH: Mr. Chairman, if I may, Alan Balch again.

I agree with that. And the way that came up, I wasn't here then -- but the way that came up was with a much more involved collective, collaborative process than what we're facing today. But I understand, we will have time to comment, and we are an acknowledged horsemen's organization.

CHAIRMAN WINNER: Is there a motion?

COMMISSIONER AUERBACH: So moved.

CHAIRMAN WINNER: Commissioner Auerbach moves.

Commissioner Krikorian seconds.

Commissioner Beneto, how do you vote on Item No. 10?

COMMISSIONER BENETO: Yes.

CHAIRMAN WINNER: Commissioner Rosenberg?

COMMISSIONER ROSENBERG: Yes.

CHAIRMAN WINNER: Chairman votes yes.

Commissioner Auerbach?

COMMISSIONER AUERBACH: Yes.

CHAIRMAN WINNER: Commissioner Solis?

COMMISSIONER SOLIS: Yes.

CHAIRMAN WINNER: And Commissioner Krikorian?

COMMISSIONER KRIKORIAN: Yes.

CHAIRMAN WINNER: So it passes unanimously by a six to nothing vote. Thank you. And we'll move on then to No. 11.

Number 11 is: Discussion and action by the Board regarding a request from Los Alamitos Quarter Horse Racing Association to write race conditions for its current quarter horse race meeting, which condition eligibility to participate in the race meeting on the nonpresence of Clenbuterol, Albuterol, Zilplaterol, and Racto- -- you say it.

MR. LAIRD: Ractopamine.

CHAIRMAN WINNER: That one.

-- Ractopamine in biological test samples obtained by the Association, conditioned on the Office of Administrative Law granting approval of the emergency

1 regulatory amendments to the CHRB Rules 1581 and 1843.
2 Phil.
3 MR. LAIRD: Phil Laird, CHRB staff.
4 This is the final of our three-part saga here.
5 And essentially pursuant to the emergency regulation
6 that's been now adopted to be submitted to the Office of
7 Administrative Law, this would approve Los Alamitos to
8 continue with a hair testing program they've been
9 implementing.
10 It's my understanding, though, that the written
11 agreement now required by the emergency regulation entails
12 more detail at this point than it did before, between the
13 horsemen's organization and the racing association.
14 To that extent, I think I'll let Dan Schiffer
15 and Drew Couto resolve any questions or anything about
16 that agreement that's been entered into.
17 Furthermore, I just want to say, though,
18 pursuant -- procedurally how this works is we'll submit
19 the emergency regulatory language and within 10 days we'll
20 know whether or not OAL has approved it.
21 So what the Board is voting on today is that if
22 that language is approved, it would be then voting to
23 approve Los Alamitos's house rule. And I guess we want to
24 get away from the term house rule. It would really be a
25 condition for eligibility for certain races.

1 But -- so my point being, this vote would be
2 contingent on those emergency regulations going into
3 effect.
4 CHAIRMAN WINNER: Mr. Couto.
5 MR. COUTO: Thank you, Mr. Chairman.
6 Drew Couto on behalf of Los Alamitos.
7 As Dan alluded to, and I'm sure he'll come up
8 and echo, the parties have been exchanging a protocol,
9 testing protocol and procedures document, which will
10 outline all of the details of how the testing program
11 occurs, and it will reflect the views of the horsemen's
12 association and the racing association, which will control
13 this.
14 And we've provided the first portion of that to
15 the Board, which is the protocol, and we've also provided
16 a copy of the draft agreement right now.
17 So I also want to clarify that we're not talking
18 about a house rule. That's very -- that term,
19 unfortunately, creates a lot of angst for those of us
20 who've had to go to Court. But we're talking about a
21 contractural process between the parties, authorized under
22 the CHRB regulations that will be limited to the
23 conditions for eligibility for certain stakes races.
24 And if Mr. Schiffer wants to echo or add
25 anything.

MR. SCHIFFER: Dan Schiffer on behalf of the PCQHRA.

I just want to let the Board know that, you know, we are really thinking through at this point of the nuts and bolts of what's going to happen, assuming the Board approves us and the OAL agrees with it.

We're optimistic it's going to form the basis of a permanent prototype for this type of problem, and therefore we think we should go forward with it.

Thank you.

CHAIRMAN WINNER: Thank you.

Mr. Avioli, do you -- are you still here? Where are you?

MR. AVIOLI: Yes, sir, I'm here.

CHAIRMAN WINNER: Did you want to speak on this? Are you -- you had said 9, 10, and 11.

MR. AVIOLI: When you combined them --

CHAIRMAN WINNER: Okay. So also, Mr. Balch, did you want to speak on this?

MR. BALCH: No.

CHAIRMAN WINNER: Okay. Are there any other speakers on Item No. 11?

Is there any discussion on Item No. 11?

Is there a motion on Item No. 11?

COMMISSIONER AUERBACH: Yes.

CHAIRMAN WINNER: Commissioner Auerbach moves.

Commissioner Krikorian seconds.

Let's start over there.

Commissioner Krikorian?

COMMISSIONER KRIKORIAN: Yes.

CHAIRMAN WINNER: Commissioner Solis?

COMMISSIONER SOLIS: Yes.

CHAIRMAN WINNER: Commissioner Auerbach?

COMMISSIONER AUERBACH: Yes.

CHAIRMAN WINNER: Chairman votes yes.

Commissioner Rosenberg?

COMMISSIONER ROSENBERG: Yes.

CHAIRMAN WINNER: Commissioner Beneto?

COMMISSIONER BENETO: Yes.

CHAIRMAN WINNER: Motion carries six to nothing unanimously. Thank you very much.

Is there a motion to adjourn?

COMMISSIONER AUERBACH: Yes.

CHAIRMAN WINNER: Commissioner Auerbach moves.

Commissioner Beneto seconds.

How do you vote, Mr. -- I mean Commissioner Krikorian seconds.

How do you vote, Mr. Krikorian?

COMMISSIONER KRIKORIAN: I abstain.

CHAIRMAN WINNER: Commissioner Krikorian

abstains.

Commissioner Solis, how do you vote?

COMMISSIONER SOLIS: I vote yes.

CHAIRMAN WINNER: Commissioner Auerbach?

COMMISSIONER AUERBACH: Uh-huh. Yes.

CHAIRMAN WINNER: Commissioner Winner votes yes.

Commissioner Rosenberg votes yes.

COMMISSIONER ROSENBERG: Yes.

CHAIRMAN WINNER: Commissioner Beneto votes yes.

Commissioner Krikorian changes his vote from abstain to yes.

By a six-to-nothing vote, the motion to adjourn carries. Thank you all very much for attending. We now will go into executive session.

(At 12:24 p.m., the proceeding was concluded.)

-o0o-

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, ANN BONNETTE, C.S.R. No. 6108, do hereby certify:

That the foregoing meeting of the California Horse Racing Board was taken before me at the time and place therein set forth and was taken down by me in shorthand and transcribed into computer-generated text under my direction and supervision; and I hereby certify the foregoing transcript of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said meeting nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of July, 2016.

_____
ANN BONNETTE, CSR NO. 6108

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, ANN BONNETTE, C.S.R. No. 6108, do hereby certify:

That the foregoing meeting of the California Horse Racing Board was taken before me at the time and place therein set forth and was taken down by me in shorthand and transcribed into computer-generated text under my direction and supervision; and I hereby certify the foregoing transcript of my shorthand notes so taken.

I further certify that I am neither counsel for nor related to any party to said meeting nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of July, 2016.

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ANN BONNETTE, CSR NO. 6108
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